



# LEGISLATIVE ASSEMBLY DEBATES

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TUESDAY, 29th NOVEMBER, 1938

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## OFFICIAL REPORT



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Tuesday, 29th November, 1938.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBERS SWORN.

Sardar Bahadur Sardar Sobha Singh, O.B.E., M.L.A., (Nominated Non-Official);  
Mr. John Bartley, C.I.E., M.L.A., (Government of India: Nominated Official); and  
Mr. Gurunath Venkatesh Bewoor, C.I.E., M.L.A., (Director General, Posts and Telegraphs).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

†1433-1473.

‡1474-1502.

§1503-1547.

SCHEME FOR THE IRRIGATION OF THE KHAJURI PLAIN FROM THE SABATANGI WATER SUPPLY.

1548. \*Mr. S. Satyamurti (on behalf of Mr. Abdul Qaiyuan): Will the Foreign Secretary state:

- (a) whether any scheme to irrigate the Khajuri plain from the Sabatangi water supply is under consideration;
- (b) what is the nature of the scheme; how much it will cost; and the extent of tribal area it is likely to irrigate;
- (c) when it is likely to give this scheme a practical shape; and
- (d) the reasons for the delay?

Sir Aubrey Metcalfe: (a) Yes.

(b) The object of the scheme is to irrigate land in the Khyber Agency, and to supply water to Jamrud. The rough preliminary estimate of the cost is Rs. 4½ lakhs,

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†These questions, which were on the Order Paper for the 25th November, 1938, have lapsed, the meeting fixed for that day having been cancelled.

‡These questions, which were on the Order Paper for the 26th November, 1938, have lapsed, the question hour for that day having been dispensed with.

§These questions, which were on the Order Paper for the 28th November, 1938, have lapsed, the House having adjourned in memory of the late Maulana Shoukat Ali, M. L. A.

(c) and (d). It is not possible to say whether or when the scheme will be given practical shape. There are many technical and financial considerations involved which require careful examination.

#### SCHOOLS OPENED IN THE TRIBAL AREAS.

**1549. \*Mr. S. Satyamurti** (on behalf of Mr. Abdul Qaivum). Will the Foreign Secretary please state:

- (a) the total number of schools opened in the Tribal areas from the 1st January, 1938 to the 1st November, 1938,
- (b) the total number of students in all the schools in the tribal areas; and
- (c) how many of these are bona fide residents of the tribal areas?

**Sir Aubrey Metcalfe:** (a) Nil.

(b) North-West Frontier 231, Baluchistan 1,373

(c) North-West Frontier 234. Information is not at present available regarding Baluchistan.

These replies, so far as the North-West Frontier is concerned, refer only to the tribal areas under the control of Deputy Commissioners in charge of the settled districts. Information regarding the other tribal areas on the North-West Frontier is being obtained and will be laid on the table in due course.

**Mr. Badri Dutt Pande:** May I enquire if there are any high schools in the tribal area, or there are only primary schools?

**Sir Aubrey Metcalfe:** There are no high schools as far I know. There are only secondary schools.

**Sardar Mangal Singh:** May I know whether this number has increased during the last years or is stationary?

**Sir Aubrey Metcalfe:** I think it has increased considerably, but, as I say, the information given is unfortunately incomplete owing to a misunderstanding on the part of the North-West Frontier Administration as to exactly what was wanted. I hope to get complete information later on and will place it on the table of the House.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether any funds are specifically allotted for giving education in the tribal areas?

**Sir Aubrey Metcalfe:** Yes, there are funds allotted for that purpose.

**Mr. T. S. Avinashilingam Chettiar:** What is the amount?

**Sir Aubrey Metcalfe:** I could not tell you without notice.

#### REPORT OF THE COMMITTEE ON XB ENGINES.

**1550. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Railways state:

- (a) whether the expert enquiry committee regarding the XB Engines have submitted their report;

- (b) if so, what are their main recommendations;
- (c) whether Government have considered the report; and
- (d) whether they propose to place it before the Assembly for consideration?

**The Honourable Sir Thomas Stewart:** (a) Not yet.

(b) and (c). Do not arise.

(d) As promised by the Honourable Mr. Clow in this House on 12th August, 1938, our proposal is that the report should be placed before the House and that there should be a reasonable opportunity for discussion.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether they have made any preliminary recommendations for safety purposes?

**The Honourable Sir Thomas Stewart:** No I am not aware of any such preliminary recommendations.

**Mr. Badri Dutt Pande:** When is it likely that we shall get this report? Can the Honourable Member give us any idea?

**The Honourable Sir Thomas Stewart:** It is not within my power to say that.

#### UNIFORMS SUPPLIED TO POSTMEN AND OTHER LOWER GRADE POSTAL STAFF IN THE PUNJAB AND NORTH-WEST FRONTIER PROVINCE.

**1551. \*Mr. S. Satyamurti** (on behalf of M. Abdul Qaiyum): Will the Honourable Member for Communications please state:

- (a) whether he is aware that the Punjab and North-West Frontier Postmen and Lower Grade Staff Conference passed the following resolution at Ludhiana on the 16th October, 1938:
  - (i) that postmen and lower grade staff be provided with one winter and two summer uniforms;
  - (ii) that pyjamas be substituted by trousers,
  - (iii) that the coat of warm uniform should have lining underneath;
  - (iv) that on transfer an employee be permitted to take his own uniform along with him; and
  - (v) that two warm uniforms be provided in hill stations; and
- (b) what action has been taken, or is proposed to be taken to redress these grievances?

**The Honourable Sir Thomas Stewart:** (a) and (b). Government understand that a copy of the resolution has been received by the Postmaster General, Punjab and North-West Frontier Circle, and is at present under his consideration.

**Mr. S. Satyamurti:** With regard to this warm uniform during the winter, may I know whether Government will expedite the grant of these things, considering the climatic conditions in which these people have got to work?

**The Honourable Sir Thomas Stewart:** The Honourable Member is anticipating the decision of the Postmaster General.

#### CERTAIN FACILITIES GIVEN TO MAIL OVERSEERS.

**1552. \*Mr. S. Satyamurti** (on behalf of Mr. Abdul Qaiyum): Will the Honourable Member for Communications please state:

- (a) whether mail overseers are given the following facilities:
  - (i) travelling allowance;
  - (ii) stationery allowance;
  - (iii) tables and chairs for office work;  
if not, the reasons therefor;
- (b) whether mail overseers have to travel more than ten miles daily; and
- (c) the reasons why house allowance is not given to them?

**The Honourable Sir Thomas Stewart:** (a) (i). Yes, but in the case of journeys within their jurisdiction only actual fares by rail or steamer, or charges on account of ferries and tolls are paid. Full travelling allowance is allowed for journeys on duty outside their jurisdiction.

(ii) Yes, except when stationery is supplied by the post office to which the overseer is attached.

(iii) No, because the clerical work they are required to do can be and is done either at the headquarters' post office, or at any post office which they may visit.

(b) Sometimes.

(c) There is no rule precluding the grant of house rent allowances to overseers but such allowances are granted only in expensive localities and are fixed on the merits of each case.

#### LEAVE AND PENSION PRIVILEGES OF POSTAL AND RAILWAY MAIL SERVICE LOWER GRADE STAFF.

**1553. \*Mr. S. Satyamurti** (on behalf of Mr. Abdul Qaiyum): Will the Honourable Member for Communications please state:

- (a) whether the lower grade, postal and Railway Mail Service staff enjoy the same rights and privileges regarding leave and pension as are applicable to postmen; and
- (b) if not, the reasons for such discrimination?

**The Honourable Sir Thomas Stewart:** (a) No.

(b) Because postmen belong to the superior service while the staff referred to are in the inferior service, and the pensionary and leave rights of the two services are different.

**Mr. S. Satyamurti:** But what are the reasons? The Honourable Member has not given any reason except by calling one superior and the other inferior. Clause (b) of the question wants to know the reason for discrimination.

**The Honourable Sir Thomas Stewart:** The services performed by the two categories are different in nature.

**STATEMENT OF LORD HALIFAX ABOUT PUTTING MAHATMA GANDHI IN JAIL.**

**1554. \*Mr. Govind V. Deshmukh:** Will the Foreign Secretary please state if it is a fact that about the 24th September, 1938, Lord Halifax said "War was inevitable; that it was necessary to throw Gandhi in prison once again"? If so, was this statement of putting Mahatma Gandhi in jail made on the advice given by the Government of India?

**Sir Aubrey Metcalfe:** The Government of India have no such information. The second part of the question, therefore, does not arise.

**Mr. S. Satyamurti:** May I know whether the Government of India attempted to get any information on the first part of this question, after the receipt of this question by them?

**Sir Aubrey Metcalfe:** No. We made no attempt.

**Mr. S. Satyamurti:** May I know the reasons why, when an Honourable Member of this House puts down a statement as having been made by the Foreign Secretary of Great Britain, of such vital public importance, Government took no steps to find out whether such a statement was actually made or not?

**Sir Aubrey Metcalfe:** The Honourable Member has not stated when this remark was made. He has merely asked whether it was made. He gives no information, no indication whatever of the particular occasion, on which the remark was made. So it did not seem suitable to the Government of India that enquiries should be made upon a question of that sort.

**Mr. Govind V. Deshmukh:** May I inform the Honourable Member that this was the information given by a renowned French journalist—unfortunately, I have not got the reference. If not these very words, something to this effect was said.

**Mr. President (The Honourable Sir Abdur Rahim):** That is rather vague.

**Mr. S. Satyamurti:** The Honourable Member could have got into touch with the Honourable Member who gave notice of this question and asked for information as to when it was uttered, in order to enable him to find out whether it was actually made or not. The date is given.

**Mr. President (The Honourable Sir Abdur Rahim):** When allegations of this sort are made, there ought to be some better foundation for putting the question.

**Mr. S. Satyamurti:** The foundation is the position of an Honourable Member of this House. It must be assumed unless the contrary is proved, that an Honourable Member of this House does not put a question of this kind in a light-hearted manner. He gave the date, 24th September, 1938, and if the Honourable the Foreign Secretary wanted any further information it was open to him to ask the Honourable Member to supply the details.

**Mr. President** (The Honourable Sir Abdur Rahim). The Honourable Member should have referred to any newspaper cutting or some other report on which to found a question like this.

**Mr. Govind V. Deshmukh:** May I inform the Honourable Member that a similar question about railway accident was given notice of, but I had not given the reference, so it was returned to me. But when this question was not returned to me, I took it that they did not want any reference.

**Mr. President** (The Honourable Sir Abdur Rahim): That depends upon the Honourable Member for Government. If he thought that there was sufficient justification for this question, he might have answered.

**Mr. Govind V. Deshmukh:** May I know if there was any justification . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair cannot allow that.

**Mr. Govind V. Deshmukh:** May I take it that the enactment of the Criminal Law Amendment Act is an indication of the policy of this Government of India or the advice that they received from the British Government?

**Sir Aubrey Metcalfe:** That, Sir, is a question which should not be addressed to the External Affairs Department.

**Seth Govind Das:** Will Government make inquiries into this now?

**Sir Aubrey Metcalfe:** No.

**Seth Govind Das:** Why not?

**Mr. President** (The Honourable Sir Abdur Rahim): That has already been answered.

**1555. \*Mr. T. S. Avinashilingam Chettiar:** Sir, I do not want to put this question. This is a repetition.

#### MAKING THE PROCEEDINGS OF THE BOMBAY PORT TRUST OPEN TO THE PUBLIC.

**1556. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Communications state:

(a) whether he has received replies from the Bombay Port Trust in the matter of making the proceedings of the Port Trust open to the public; and

(b) if so, whether they have come to a conclusion in the matter?

**The Honourable Sir Thomas Stewart:** (a) Yes.

(b) Not yet.

**The Honourable Sir Thomas Stewart:** The substance of the reply is that the matter is being considered by a committee of the Port Trust and the views of the committee will shortly be considered in the full meeting of the Trust.

**Mr. T. S. Avinashilingam Chettiar:** What is the report of that committee in this matter?

**The Honourable Sir Thomas Stewart:** I do not think I will be justified in giving the information before the report has been considered by the Trust.

**Mr. M. Thirumala Rao:** Is the Honourable Member apprised of the views of the sub-committee that went into this?

**The Honourable Sir Thomas Stewart:** I am aware of what the sub-committee have recommended.

**POSTAL STAMPS SOLD TO PUBLIC AND SERVICE STAMPS USED IN GOVERNMENT DEPARTMENTS.**

**1557. \*Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member for Communications please state:

- (a) the total value of stamps for (i) Postal and (ii) Telegraph service sold to the public in the latest year for which figures are available;
- (b) the total value of "Service stamps" used in the same year by Government Departments;
- (c) whether any formal payment is made by the various Departments of the Government of India to postal accounts for the service stamps;
- (d) whether any such payment is made by the Provincial Governments; and
- (e) the portion of the amount mentioned in part (b) that goes to the debit of Provincial Governments?

**The Honourable Sir Thomas Stewart:** (a) Separate figures of stamps sold to the public for postal purposes and for telegraph purposes are not maintained. The total value of postage stamps sold during the year 1937-38 was Rs. 691.23 lakhs.

(b) Service stamps are used by Departments of the Central and of Provincial Governments as well as by a number of quasi-Government bodies mentioned in clause 351 of the Post and Telegraph Guide. No separate figures of service stamps used by Government Departments are maintained. The total value of service stamps sold during the year 1937-38 was Rs. 103.88 lakhs.

(c) to (e). The full face value of service stamps is paid in cash at the time of purchase by Departments of Central or Provincial Governments or by quasi-Government bodies. No separate figures of the amount paid by Provincial Governments is available.

**Mr. K. Santhanam:** May I know how Government calculate the profit and loss of the Telegraph Department if they don't have separate accounts for service stamps?

**The Honourable Sir Thomas Stewart:** It would not help towards that end, since telegram are also sent against cash payments. Every telegram is not sent by affixing stamps.

**Mr. K. Santhanam:** May I know how they calculate the receipts from telegraph without calculating these stamps also?

**The Honourable Sir Thomas Stewart:** I should like to have notice of that question.

**Mr. T. S. Avinashilingam Chettiar:** Is it not the case that in every instance in which telegrams are sent, stamps are affixed to them?

**The Honourable Sir Thomas Stewart:** That is not the case.

**Mr. S. Satyamurti:** I have never sent a telegram without being called upon to affix stamps. Where is it done?

**The Honourable Sir Thomas Stewart:** In Bombay and Calcutta, I am informed.

**Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member give figures for telegrams which have been sent with stamps and without stamps?

**The Honourable Sir Thomas Stewart:** No, Sir. I am unable to give the figures.

#### RECENT EARTHQUAKE SHOCK IN SOUTH INDIA.

**1558. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Communications state:

- (a) whether there was an earthquake shock recently in South India;
- (b) what was its duration and effect; and
- (c) whether the cause of the shock has been investigated; if so, what are the causes?

**The Honourable Sir Thomas Stewart:** (a) Yes.

(b) Seismograms recorded a shock of less than half a minute; no loss of life or damage to property was reported.

(c) Its cause is unknown.

#### NON-ALLOTMENT OF QUARTERS TO NEWLY-RECRUITED MUSLIMS ON THE EASTERN BENGAL RAILWAY.

**1559. \*Mr. Muhammad Nauman:** (a) Is the Honourable Member for Railways aware of the fact that newly-recruited Muslims on the Eastern Bengal Railway are generally not allotted quarters in the districts?

(b) If the reply to part (a) be in the negative, will the Honourable Member be pleased to place on the table a statement showing:

- (i) the total number of quarters in different colonies and districts, and
- (ii) the number of newly recruited Hindus who have been allotted quarters, and the number of newly-recruited Muslims who have been allotted quarters, and who have not been allotted quarters?

**The Honourable Sir Thomas Stewart:** (a) Government are informed by the Eastern Bengal Railway administration that the facts are not as stated by the Honourable Member.

(b) Government have no information and do not propose to collect it because the labour and expense involved in its collection will not be justified by the results to be obtained.

#### POSTING OF MUSLIMS TO CERTAIN OFFICES ON THE EASTERN BENGAL RAILWAY.

**1560. \*Mr. Muhammad Nauman:** Will the Honourable Member for Railways be pleased to state whether efforts have ever been made by the Railway Administration to post Muslim officers in the Personnel Branch, Welfare Officers, Traffic Manager's Office and General Manager's Office of the Eastern Bengal Railway, to safeguard the interests of Muslims who have been allotted 45 per cent posts and 60 per cent of the population in the country through which the Railway runs? If Muslim officers were posted in the above-mentioned offices, will the Honourable Member state the names of the Muslim officers?

**The Honourable Sir Thomas Stewart:** Government cannot accept the proposition that the posting of railway servants should be regulated on a communal basis or that the posting of officers of a particular community is necessary to safeguard the interests of subordinate employees of that community.

**Mr. Muhammad Nauman:** Is the Honourable Member aware that by manipulations Muslim officers are put in unimportant places and the key positions never go to them really?

**The Honourable Sir Thomas Stewart:** I am not so aware

**Mr. Lalchand Navalrai:** May I know if Government and the Honourable Member have a soft corner for Muslims? I should like to have an answer.

**Mr. President** (The Honourable Sir Abdur Rahim): That is not a proper question.

**Mr. Muhammad Nauman:** Will the Honourable Member make investigation and see if they have been able to give Muslims any important positions since the 1934 Resolution.

**The Honourable Sir Thomas Stewart:** The Honourable Member in other questions has made the suggestion that there has been differential treatment of his particular community. The information I have from the Railway Administration is that the facts are not as stated by the Honourable Member.

**Mr. Muhammad Nauman:** I take a definite stand that there has been differentiation and that it is continuing. Will the Honourable Member make further investigation in the matter and find out how things stand.

(No answer.)

#### NON-GRANT OF INCREMENTS OF PAY ON THE EASTERN BENGAL RAILWAY.

**1561. \*Mr. Muhammad Nauman:** Is the Honourable Member for Railways aware of the fact that employees on the Eastern Bengal Railway are not granted increments of pay regularly for not passing certain departmental examination? If so, what are the latest rules from the Railway Board on the subject?

**The Honourable Sir Thomas Stewart:** As regards the first part, the position is that the General Manager of the Eastern Bengal Railway is competent to prescribe examinations in order to determine whether an officer is qualified to pass efficiency bars in the scales of pay of certain categories of staff. As regards the second part, I would refer the Honourable member to paragraphs 141 and 142, page 43, in the State Railway Establishment Code corrected up to 30th June, 1937, a copy of which is in the Library of the House.

**Mr. Muhammad Nauman:** Is the Honourable Member aware that Muslim employees are not given any facilities even for passing the departmental examination?

**The Honourable Sir Thomas Stewart:** The Honourable Member has a question to that effect later on.

**Mr. K. Ahmed:** Are Government aware that substantial portions of these questions are under inquiry? Since the Honourable Member was acting as Governor of Bihar and somebody else was officiating in his place here, may I request that the whole matter may be gone into by sending a copy of this question to the Department?

**The Honourable Sir Thomas Stewart:** I may inform the Honourable Member that representations have been made and have been sent for inquiry to the Department concerned.

**Mr. K. Ahmed:** Will the Honourable Member be pleased to forward these questions also, so that the whole matter may be inquired into?

**The Honourable Sir Thomas Stewart:** I am prepared to do so.

**Mr. K. Ahmed:** I am very much obliged to the Honourable Member.

**DENIAL OF FACILITIES TO MUSLIM EMPLOYEES ON THE EASTERN BENGAL RAILWAY TO PASS DEPARTMENTAL EXAMINATIONS.**

**1562. \*Mr. Muhammad Nauman:** (a) Is the Honourable Member for Railways aware of the fact that Muslim employees on the Eastern Bengal Railway are not given full facilities in passing departmental examinations, and, if they themselves try to pass the examinations, they are compelled to apply for permission and leave which is normally denied to them?

(b) Will the Honourable Member be pleased to place before the House the rules on the subject and show how far the action of the Administration is justified?

**The Honourable Sir Thomas Stewart:** (a) Government are informed that the facts are not as stated by the Honourable Member.

(b) Does not arise.

**Mr. Muhammad Nauman:** Will the Honourable Member give me any instance in which Muslims have been given facilities for going abroad for passing departmental examination or for any training?

**The Honourable Sir Thomas Stewart:** There are on record two cases in which special facilities were given. In one case, there was no Muslim in the category of officer to whom the facility was given. In the other case, a man was given leave. He went abroad at his own expense. I may inform the Honourable Member that certain posts were recently sanctioned for the training of men in establishment and accounts work. Particular care was taken to reserve 50 per cent. of these posts for Muslims.

**Mr. K. Santhanam:** May I know if it is necessary to go abroad to pass a departmental examination?

**The Honourable Sir Thomas Stewart:** No, Sir.

**MANUFACTURE OF AEROPLANES IN INDIA.**

**1563. \*Mr. Manu Subedar:** (a) Will the Honourable the Member for Communications please state how many aeroplanes are there registered in India under the Civil Aviation Department?

(b) Of what make are these aeroplanes and from which country have they been imported?

(c) What arrangements exist at present for repairs and assembling of these aeroplanes?

(d) Have Government received any representations from any firms supplying them, or other bodies either in India or abroad, for the manufacture in India of aeroplanes?

(e) Has the Industrial Research Bureau been asked to prepare a memorandum estimating the possibilities and the difficulties of such manufacture?

**The Honourable Sir Thomas Stewart:** (a) There were 153 aircraft registered in India on the 31st October, 1938.

(b) A statement giving the information is laid on the table.

(c) The repair of aeroplanes and the assembling of imported component parts are carried out in India by operating companies, by the agents of the manufacturing firms, by flying clubs and by the Aeronautical Training Centre of India.

(d) No.

(e) No.

*Aeroplanes registered in India on 31st October, 1938.*

Make.	No. of aircraft.	Country of manufacture.
De Havilland Aircraft Company Limited, Hatfield . . .	80	
British Aircraft Manufacturing Company Hanworth . . .	8	
Phillips and Powis Aircraft Limited . . .	8	
Percival Aircraft Limited Luton . . .	8	
Sir W. G Armstrong Whitworth Aircraft Limited . . .	4	
A. V. Roe and Company Limited, Manchester . . .	4	
General Aircraft Limited, Croydon . . .	3	
Airspeed (1934) Limited, Portsmouth . . . .	3	Great Britain.
Saunders-Roe Limited East Cowes . . . .	2	
Short Brothers (Rochester and Bedford) Limited . . .	1	
Desoutter Aircraft Company Limited, Croydon . . .	1	
Spartan Aircraft Limited, Cowes . . . .	1	
Comper Aircraft Company Limited, Heston . . . .	1	
British Aircraft Corporation (1935) Limited, Portsmouth . . .	1	
Curtis Reed Aircraft Company Limited . . . .	2	Canada.
Waco Aircraft Limited United States of America . . .	12	
Beech Aircraft Corporation, Kansas . . . .	3	
Lockheed Aircraft Corporation . . . .	2	
Taylor Aircraft Company Bradford . . . .	2	United States of America.
Taylor-Young Airplane Company, Inc., Ohio . . . .	1	
Stinson Aircraft Corporation Inc. . . . .	1	
Heath Aircraft Corporation . . . .	1	
Flying Fleas . . . . .	4	Components received from England and France.
Total . . . . .	153	

**Mr. Manu Subedar:** Will the Honourable Member read that statement if it is very brief?

**The Honourable Sir Thomas Stewart:** It is not at all brief; it is a very long statement.

**Mr. Manu Subedar:** May I inquire what is the rate of replacement in the case of these aeroplanes,—that is, what percentage of wastage is provided for?

**The Honourable Sir Thomas Stewart:** That is a question I could not possibly answer without notice.

**Mr. Manu Subedar:** May I inquire—with regard to the last part of the question—if Government have considered, either in connection with communications or in connection with defence, the possibility and the feasibility of having aeroplanes manufactured in this country?

**The Honourable Sir Thomas Stewart:** I am not aware of any deliberate investigation into that question.

#### EUROPEANS AND INDIANS RECRUITED ON STATE RAILWAYS.

**1564. \*Mr. Manu Subedar:** (a) Will the Honourable Member for Railways please state how many Europeans were recruited for the services of the State Railways in 1936-37 and 1937-38 for (i) superior services for which the proportion of 25 per cent. recruitment is laid down, and (ii) for other services?

(b) How many of them were imported from England and how many of them were recruited locally?

(c) With regard to other services mentioned in part (ii) of (a) above how many Indians on the same remuneration and the same conditions of service were recruited during the same period?

**The Honourable Sir Thomas Stewart:** (a) (i). Three in each year.

(ii) If by other services the Honourable Member means Lower Gazetted Services, the reply is none.

(b) Five were recruited direct from England. The sixth came by transfer from a Provincial Government.

(c) Does not arise.

**Mr. Manu Subedar:** In connection with workshops—and this is with reference to a previous reply of the Honourable Member—several men have been imported from England without the Public Service Commission being asked to inquire whether men with similar qualifications were available in India. My question, (a) (ii), was entirely with reference to that question.

**The Honourable Sir Thomas Stewart:** I am quite unaware of the officers to which the Honourable Member refers.

**Mr. T. S. Avinashilingam Chettiar:** With reference to sub-question (i), may I inquire whether these three were imported because men were not available in India?

**The Honourable Sir Thomas Stewart:** They were imported in pursuance of the declared policy of the Government of India.

**Mr. T. S. Avinashilingam Chettiar:** What I want to know is this, if they were imported to make up the twenty-five per cent. Europeans in that category, or suitable Indians were not available and so they were imported?

**The Honourable Sir Thomas Stewart:** They were imported in pursuance of the policy by which twenty-five per cent. of the recruitment to higher posts is, for the time being, from the United Kingdom.

**Mr. Manu Subedar:** With reference to a previous answer, I am reiterating my inquiry. In a previous answer the Honourable Member said that the Europeans were imported for the superior services in accordance with the percentage laid down. without any inquiry as to whether similar men were

available or not in this country. My inquiry on that occasion was about the lower grades and I am asking about that but the Honourable Member is not replying. Were any men recruited for the lower grades from the United Kingdom?—part (a) (ii) of the question “for other services”?

**The Honourable Sir Thomas Stewart:** The type of person I think the Honourable Member has in mind is for the lower gazetted service and I have answered his question by saying that none were imported

#### CLAIMS FOR COMPENSATION ARISING OUT OF THE BAMRAULI TRAIN DISASTER.

1565. \***Mr. Badri Dutt Pande:** (a) Reference the Honourable Member for Railways' reply to my supplementary starred question No. 1188 asked in this House regarding Bamrauli train disaster, will the Honourable Member for Railways be pleased to state if any claims for compensation were put forward by the relatives of those who died in the train smash or by some injured persons? If so, will he be pleased to state as to whether any compensation was paid or is proposed to be paid?

(b) If so, to whom and how much?

**The Honourable Sir Thomas Stewart:** (a) and (b). Claims for compensation have been received.

Five have been settled, viz.:

J. H. Rayfield, for Rs. 6 851.

Mirza Karrar Hasan, for Rs. 800.

Anand Swarup, for Rs. 650.

Gobind Prashad Dubey, for Rs. 250.

B. S. Batlaw, for Rs. 468/13/-.

Offers have been made in two other cases, viz.:

to C. N. Seih for Rs. 400.

to Shadi Ram for Rs. 500

**Mr. Badri Dutt Pande:** May I know if no application has come from the Mukerji brothers, who are connected with the Government of India, and three of the members of whose family died at the Lihta train disaster? Have no claims come from them?

**The Honourable Sir Thomas Stewart:** There are still a certain number of cases under investigation, but I do not know the names of the individuals concerned therein.

**Mr. Lalchand Navalrai:** May I know who investigated these cases of compensation, and who decides?

**The Honourable Sir Thomas Stewart:** The railway officers do.

**Mr. Lalchand Navalrai:** Which officers?

**The Honourable Sir Thomas Stewart:** I am afraid I cannot give the individual designations of the officers employed.

**DISPARITY IN LEAVE RULES BETWEEN GOVERNMENT AND RAILWAY SCHOOLS.**

**1566. \*Mr. Badri Dutt Pande:** (a) Will the Honourable Member for Railways be pleased to state if it is a fact that the Headmaster or the teacher in-charge of Government Schools of the United Provinces during summer vacations are allowed no retrenchment whatsoever in leave, whereas those of East Indian Railway schools are allowed leave on full pay in proportion to the period they forego their vacations?

(b) Is it a fact that the clerks of East Indian Railway schools are treated as teachers in matter of leave whereas those of Government schools do not come under the rules of Vacation Department?

(c) Will the Honourable Member please explain the reason of such disparity in the matter of leave rules between the Government and railway schools?

**The Honourable Sir Thomas Stewart:** (a) Government have no information with regard to the first part of the question. As regards the second part leave on average pay is reduced in proportion to the period of vacation availed of.

(b) Government are not aware of the actual practice, but information is being collected so far as East Indian Railway schools are concerned and will be laid on the table of the House.

(c) The conditions of service of the teachers in the Government and Railway schools are presumably not the same.

**Mr. Badri Dutt Pande:** May I know why the conditions are not the same?

**The Honourable Sir Thomas Stewart:** Well, Sir, it is very difficult for me to answer that because I am in no way responsible for the policy that may be followed by the Provincial Government.

**Mr. Badri Dutt Pande:** Are both these institutions not governed by the same Fundamental Rules?

**The Honourable Sir Thomas Stewart:** I should imagine not.

**APPOINTMENT OF AN INDIAN AS AGENT OR DEPUTY AGENT OF A STATE RAILWAY.**

**1567. \*Mr. S. Satyamurti:** Will the Honourable Member for Railways be pleased to state:

- (a) whether there is any Indian acting as Agent or Deputy Agent in any State Railway;
- (b) the reasons why no Indian Agent or Deputy Agent has been appointed so far; and
- (c) whether there is any prospect in the near future of any Indian being chosen for the Agent's or Deputy Agent's posts or similar high offices in the Indian State Railways?

**The Honourable Sir Thomas Stewart:** (a) The designations 'Agent' and 'Deputy Agent' have now been altered to 'General Manager' and 'Deputy General Manager' on the State-managed Railways. There is no Indian

acting as General Manager on any State-managed Railway, but there is one Indian officiating as Deputy General Manager on the Great Indian Peninsula Railway.

(b) I would refer the Honourable Member to the information laid on the table on the 10th November, 1938, in connection with parts (c) to (f) of starred question No. 31 asked by Mr. Manu Subedar on the 8th August, 1938.

(c) I am not in a position to give any forecast.

**Mr. S. Satyamurti:** With reference to the answer to clause (b) of the question, may I know if there has been no case where a non-Indian has been preferred to an Indian, otherwise qualified, for the posts of General Manager or Deputy General Manager?

**The Honourable Sir Thomas Stewart:** Well, Sir, in answer to Mr. Manu Subedar's question I laid on the table a fairly lengthy statement showing cases in which Indians had been chosen as Agents and Deputy Agents.

**Mr. Manu Subedar:** May I know if it is not the case that there was no permanent occupant of these posts?

**The Honourable Sir Thomas Stewart:** The Honourable Member is entirely wrong. I should be obliged if he will read the information I have given, with more care.

**Mr. S. Satyamurti:** My question is if there has been no case in which an Indian otherwise qualified to be selected for the post of General Manager or Deputy General Manager on Indian State Railways was rejected or a non-Indian was preferred for either of these jobs?

**The Honourable Sir Thomas Stewart:** I was endeavouring to answer that when the thread of my discourse was broken. In answer to Mr. Manu Subedar's question I laid on the table a fairly lengthy list of cases in which Indians had been put in the posts of Agent or Deputy Agent, and my presumption is that a deliberate choice was made and that they were preferred to all other possible candidates for the posts.

**Mr. S. Satyamurti:** With reference to the future—and this is with reference to parts (b) and (c) of the question taken together—will the Honourable Member give some indication to the House as to when, considering the claims of existing men likely to be promoted to these places, there is a chance of Indians being appointed permanently as Agents or Deputy Agents?

**The Honourable Sir Thomas Stewart:** As I have already suggested, I am not in a position to make any accurate forecast, but the policy of the Government in that matter was stated at some length in the course of the debate during the last Railway Budget discussions.

**Mr. Manu Subedar:** Will the Honourable Member give an assurance that an Indian will be preferred in future for these places?

**The Honourable Sir Thomas Stewart:** I refer the Honourable Member to the speech that I made in the course of the debate to which I have just referred.

**Mr. Manu Subedar:** May I suggest that the Honourable Member should reply to my simple question whether he can give an assurance that Indians will be preferred in future for these places?

**The Honourable Sir Thomas Stewart:** What does the Honourable Member mean by "preferred"?

**Mr. Manu Subedar:** Other qualifications being the same, the Indians would be given preference for places of General Managers and Deputy General Managers.

**The Honourable Sir Thomas Stewart:** I refuse to take into account the contingency contemplated by the Honourable Member

#### STATE CONTROL OF COMPANY-MANAGED RAILWAYS ON EXPIRY OF THEIR CONTRACTS.

**1568. \*Mr. S. Satyamurti:** Will the Honourable Member for Railways be pleased to state:

- (a) what are the Company-managed Railways whose contracts fall in during the course of the next ten years;
- (b) the years in which the contracts of other Company-managed Railways fall in; and
- (c) whether Government are taking any steps to take over these Company-managed Railways whose contracts will fall in shortly; if so, what they are; if not, why not?

**The Honourable Sir Thomas Stewart:** (a) Assuming that my Honourable friend is referring to Companies managing State-owned railways, the contracts of the following Companies can be terminated, after 12 months' notice in each case, during the course of the next ten years, on the dates noted against each:

1. Assam Bengal Railway—31st December 1941.
2. Bombay, Baroda and Central India Railway—31st December 1941.
3. Bengal and North Western and Rohilkund and Kumaon Railways —31st December 1942.
4. Madras and Southern Mahratta Railway—31st December 1945.
5. South Indian Railway—31st December 1945.

(b) The contract of the Bengal Nagpur Railway can be terminated after 12 months' notice on the 31st December, 1950.

(c) No. The question of taking over a line to State management is considered a reasonable time before notice of termination of contract has to be given which is generally a year.

**Mr. S. Satyamurti:** In view of the fact that we are now at the end of 1938, and the contracts of the first two railways terminate in 1941 and we have to give one year's notice and the investigation must start a year before, may I know whether the Government have begun to address their mind to the question of terminating these contracts, especially in view of the fact that they will require money and the financial future of the Government of India is not very bright?

**The Honourable Sir Thomas Stewart:** I have suggested that it is our practice to start about a year before the notice of termination has to be given.

**Mr. S. Satyamurti:** But when does the time start? We have got to give notice in 1940 if the contract expires in 1941 and we ought to begin about it. What is the earliest date when, according to my Honourable friend, Government will begin to apply their mind to it?

**The Honourable Sir Thomas Stewart:** The 1st January 1940

**Mr. S. Satyamurti:** You have got to give notice then?

**The Honourable Sir Thomas Stewart:** No

**Mr. Badri Dutt Pande:** When does the contract of the R. K. R. expire?

**The Honourable Sir Thomas Stewart:** The R. K. R. agreement will be up on the 31st December 1912.

**Mr. S. Satyamurti:** May I ask whether the Government have any policy in this matter or they decide these questions *ad hoc* as each contract falls in and as they begin to apply their mind?

**The Honourable Sir Thomas Stewart:** As at present advised, the policy is to decide on the merits of each particular case.

**Mr. S. Satyamurti:** May I know whether the Government are aware of the sense of this House recorded on more than one occasion by means of Resolutions and by means of cut motions on the Railway Budget demands that as and when these contracts fall in, the State should acquire the management of these Railways also and may I know whether Government have rejected the recommendation and, if so why?

**The Honourable Sir Thomas Stewart:** I am aware of the feeling as expressed in the motions to which the Honourable Member has referred, and in any consideration of the matter full weight will be given to the expressions of opinion that have been given on the floor of this House.

**Mr. S. Satyamurti:** May I ask for some elucidation? My Honourable friend stated that Government's policy now is to treat each case on its merits as it arises. But may I know whether Government have rejected the recommendation of this House that in the case of all these contracts, when they terminate, the Company management should also be taken over by the State management? May I also know why Government have rejected the recommendation and want to consider each case on its merits?

**The Honourable Sir Thomas Stewart:** For the simple reason that different cases may have different merits.

**Mr. S. Satyamurti:** Have not Government got a regular policy in the matter considering that the bulk of the Railways are now State-managed and State-owned, including the so-called Company-managed Railways? May

I know why Government have not laid down a general policy in consonance with the wishes of this House, that all these railways are to be acquired and managed by the State as and when opportunity arises?

**The Honourable Sir Thomas Stewart:** The Honourable Member assumes that only two courses are open to Government,—either not to take over any Railways or, else, to take over all of them. Government consider that there may be an intermediate course.

#### INSTALLATION OF FANS IN THIRD CLASS COMPARTMENTS.

**1569. Mr. S. Satyamurti:** Will the Honourable Member for Railways be pleased to state:

- (a) whether his attention has been drawn to the experiment proposed to be started by the Mysore State Railways for installing electric fans in some third class compartments in their railway;
- (b) whether Government proposed to make a beginning with installing electric fans in third class compartments in long distance trains;
- (c) whether Government have considered levying a small extra charge for such compartments; and
- (d) whether Government propose to move in this matter at all; if not, why not?

**The Honourable Sir Thomas Stewart:** (a) I have seen Press reports to that effect.

(b), (c) and (d). Government regret they are unable to contemplate the provision of electric fans in lower class stock in view of its very substantial financial implications both initial and recurring.

**Mr. S. Satyamurti:** With reference to the answer to clause (a) of the question, may I know if the Railway Board made any attempt to get in touch with the Mysore State Railways to find out what exactly they propose to do, what is the cost of it, and how it will work?

**The Honourable Sir Thomas Stewart:** I am afraid I cannot answer that question.

**Mr. S. Satyamurti:** I have said in clause (a) of my question 'whether the Honourable Member's attention has been drawn to the experiment proposed to be started by the Mysore State Railways for installing electric fans in some third class compartments in their railway'. May I know why the Government did not make any inquiries to find out what the sister State is doing?

**The Honourable Sir Thomas Stewart:** The Government have gone very fully into this question in the past and they know what the implications of it are as far as they themselves are concerned.

**Mr. S. Satyamurti:** May I ask, then, in view of my Honourable friend's categorical and emphatic last answer, whether he can give the House some idea of the initial cost of installing electric fans in third class compartments in long distance trains, trains which run, say about 12 hours a day?

**The Honourable Sir Thomas Stewart:** I am afraid I could not give figures on such an indefinite question as that.

**Qazi Muhammad Ahmad Kazmi:** Has the Honourable Member got any idea of the percentage of the increase in cost which may be realised from the travelling public in case of long distance journeys if electric fans are fitted in long journey trains?

**The Honourable Sir Thomas Stewart:** One estimate of the cost was that in order to instal fans in third class compartments, an initial cost of something like up to 2 crores would have to be incurred and that would involve a recurring expenditure of 30 lakhs. These figures, I think, suggest fairly clearly that it is not an economic proposition unless there is levied a surcharge on the third class passenger which he is very unlikely to pay.

**Prof. N. G. Ranga:** Is not that an estimate for all trains of all railways?

**The Honourable Sir Thomas Stewart:** That is for putting fans into all third class compartments.

**Mr. K. Santhanam:** May I ask whether the expenditure of 30 lakhs will be necessary for running the fans all the year or only for part of the year?

**The Honourable Sir Thomas Stewart:** I cannot answer that question.

**Mr. S. Satyamurti:** In view of the fact that we are pressing it again and again, whether Government have examined or find some time to examine the cost of fitting these electric fans only to certain third class compartments running in certain long distance trains and the recurring cost of working them only during the hottest months of the year, may I know whether Government will look into it and also clause (c) of the question, and will they consult the Advisory Committee or the House with a view to seeing if it is feasible at all?

**The Honourable Sir Thomas Stewart:** If the Honourable Member will put a detailed question down, I shall endeavour to give him detailed estimates.

**Mr. S. Satyamurti:** Sir, I have put down this question six times on the floor of this House and also by means of supplementary questions. I have asked again and again what would be the cost in fitting these fans in third class compartments in long distance trains.

**Mr. President (The Honourable Sir Abdur Rahim):** As the Honourable Member wants information on a definite question, the Government Member wants notice. The Honourable Member evidently wants notice to know what his idea is.

**Mr. S. Satyamurti:** The Honourable Member very well knows my idea.

**Mr. T. S. Avinashilingam Chettiar:** In view of the fact that the Mysore Government have thought fit to introduce fans in third class compartments, will the Government of India obtain information from them as to whether it is an economical proposition or not?

**The Honourable Sir Thomas Stewart:** I see no suggestion that the installation of fans by Mysore Railways will be economical.

**Mr. T. S. Avinashilingam Chettiar:** Will the Honorable Member enquire into the matter and get the information?

**Mr. President** (The Honourable Sir Abdur Rahim) Next question

#### REPORTED POSTPONEMENT OF THE OPENING OF NEW BROADCASTING STATIONS.

**1570. Mr. S. Satyamurti:** Will the Honourable Member for Communications please state:

(a) whether his attention has been drawn to the article in the *Sunday Statesman* of 13th November entitled "All-India Radio postpone new station schemes";

(b) whether the attention of Government has been drawn specially to the following statement:

"This latest move of officialdom gives ample proof—if any is needed—that as long as broadcasting in India is subjected to every wind which blows from the Treasury, so long must it remain a relative failure when compared with the services enjoyed by other countries";

(c) whether the attention of Government has been specially drawn to the following sentence in that article:

"It is difficult to appreciate the mentality of a Government which, having expended quite a considerable sum of money on an extensive scheme of new stations, suddenly decides to withhold the wherewithal for their efficient operation before the scheme itself is even completed"; and

(d) whether Government propose to consider the other statements in the article and decide to open stations at Trichinopoly and Dacca immediately; if not, why not?

**The Honourable Sir Thomas Stewart:** (a), (b) and (c) Yes

(d) The Trichinopoly and Dacca Stations are not expected to be ready before the end of the current financial year and the question of opening them immediately does not arise. All aspects of the question will be taken into consideration before any decision is taken as to whether these Stations should be opened or not when they are ready.

**Mr. S. Satyamurti:** May I know whether in the case of Trichinopoly machinery which has been already ordered and received at the station is now being sent back to Madras?

**The Honourable Sir Thomas Stewart:** I am not aware that it is being sent back to Madras.

**Mr. S. Satyamurti:** May I know whether Government have calculated the depreciation in the machinery if it is not used?

**The Honourable Sir Thomas Stewart:** I have already informed the Honourable Member that this consideration will be borne in mind before a final decision is taken regarding the opening of the station.

**Mr. S. Satyamurti:** How long will Government take to come to a decision? May I be assured that Government will not take longer than will ensue the depreciation of the machinery for coming to a decision for the opening of the station?

**The Honourable Sir Thomas Stewart:** I hope that the decision regarding this station will be taken at a very early date.

**Mr. S. Satyamurti:** With reference to parts (b) and (c), may I know whether Government have examined the allegation in part (b), and may I know whether Government have any proposals to make the Broadcasting Department because it is a revenue earning department, which will gradually earn more not subject to every wind which blows from the Treasury?

**The Honourable Sir Thomas Stewart:** I find it very difficult to make any comments on the journalism of the passage.

**Mr. S. Satyamurti:** I put these words merely because they were compendious and accurate in my judgment. In view of the fact that Broadcasting is a department whose future is hopeful, may I know if Government will make it more or less independent of the whims and caprices of the Administrators or permanent occupants of the Treasury Benches?

**The Honourable Sir Thomas Stewart:** I cannot admit the existence of caprice to which reference has been made.

**Mr. S. Satyamurti:** Is not my Honourable friend aware that the Trichinopoly station was decided to be opened, the staff was appointed, the machinery was ordered and one fine morning the whole thing is stopped? Is that not caprice?

**The Honourable Sir Thomas Stewart:** No, Sir, that is a measure of emergency.

#### ACQUISITION OF IMPERIAL AND BRITISH AIRWAYS BY A PUBLIC CORPORATION.

**1571. Mr. S. Satyamurti:** Will the Honourable Member for Communications be pleased to state:

- (a) whether his attention has been drawn to the statement of Sir Kingsley Wood in the House of Commons that Government proposed to bring in legislation at an early date to set up a public corporation to acquire the existing undertakings of Imperial and British airways;
- (b) what the interest of the Government of India is in the Imperial airways;
- (c) whether that is also going to be acquired by the public corporation mentioned by the Air Minister; and
- (d) whether the Government of India are being consulted in the matter; if so, what their position is going to be in the matter?

**The Honourable Sir Thomas Stewart:** (a) I have seen a report in the Press to that effect.

(b) The Government of India have no financial interest in Imperial Airways.

(c) and (d). Do not arise.

## LABOUR CONTRACT OF THE CALCUTTA PORT TRUST.

**1572. \*Mr. Manu Subedar:** (a) Will the Honourable Member for Communications please state what steps Government have taken with regard to the labour contract with Messrs Bird and Co., which was renewed for a long period without tenders or alternative quotations being called against the unanimous opinion of the Indian Trustees of the Calcutta Port Trust?

(b) What provision is proposed to be made by (i) executive instructions and (ii) a change in the Port Trust Act, to prevent a repetition?

(c) Have Government considered the desirability of consolidating the general provisions of the Port Trust Acts for all the major ports in India, particularly those provisions which involve control and supervision of the Government of India on large contracts, either for goods or for services?

(d) Have Government asked for the views of (i) the Port Trust Boards and (ii) Chambers of Commerce, on the subject of a consolidation in such law?

(e) Are any steps of any kind taken, or proposed to be taken by Government, by which Indian firms would have a full fair and equal opportunity to secure contracts for supplying goods and labour to Port Trusts?

(f) Has the question of the elimination of labour contractors altogether been examined? If so, are Government in a position to say, as the result of such examination, the financial grounds for continuing the present system?

**The Honourable Sir Thomas Stewart:** (a) and (e). The Honourable Member's attention is invited to the reply given on the 13th September, 1938, to his starred question No 985 and its supplementaries and to part (f) of Mr Satvamurti's starred question No 954

(b) None

(c) and (d). No.

(f) I am unable to say whether all Port Trusts have considered the matter but recently the Madras Port Trust considered it and decided unanimously that the labour required for the Trust's traffic department should be obtained by contract instead of departmentally. The reply to the second part of the question is in the negative.

**Mr. Manu Subedar:** With reference to part (b) may I enquire whether Government have written at all to the Calcutta Port Trust, approving or disapproving or otherwise making suggestions in connection with this contract?

**The Honourable Sir Thomas Stewart:** No, Sir

**Mr. Manu Subedar:** May I enquire whether it is a fact that the provisions of the Acts governing the major Ports of Calcutta and Madras are widely divergent, in the one case the Government have the power and in the other case Government have no power to interfere with any contract of this kind?

**The Honourable Sir Thomas Stewart:** There are differences in the various Port Trust Acts.

**Mr. Manu Subedar:** May I know whether in view of the differences Government propose to consolidate the law relating to this subject for the major ports?

**The Honourable Sir Thomas Stewart:** No.

**Mr. Manu Subedar:** With reference to parts (b) and (e) may I know what steps Government have taken in order to ensure that Indian firms may not be kept aloof from these contracts and so that there may be no repetition of the sort of thing which has taken place in connection with Bird & Company's contract?

**The Honourable Sir Thomas Stewart:** The Honourable Member assumes. I do not admit that there is anything wrong about the contract.

**Mr. President (The Honourable Sir Abdur Rahim):** This has been fully canvassed more than once.

**Mr. Manu Subedar:** Can the Honourable Member assure us that he will watch out and that he will see that adequate and fair chance is given to Indian firms to tender for contracts of this kind for major port trusts?

**The Honourable Sir Thomas Stewart:** I see no reason why special action should be taken in the matter.

#### USE OF SLEEPERS ON STATE RAILWAYS.

**1573. \*Mr. Manu Subedar:** (a) Will the Honourable Member for Railways please state if the Railway Board have collected the results of observation and calculation as to the relative merits of railway sleepers from (i) Canadian pine (treated), (ii) Indian wood, (iii) steel, and (iv) cast iron?

(b) How do these compare in respect of durability and what is their relative position in respect of prices on the present basis?

(c) Which of these have the Railway Board finally recommended to the State Railways for use, and why?

(d) What percentage of the purchase during the last five years did each of these occupy, so far as the State Railways are concerned?

**The Honourable Sir Thomas Stewart:** (a) Yes, except in respect to Canadian pine.

(b) On a basis of durability the order is cast iron, steel, Indian wood treated and Indian wood. On a basis of price the order today is Indian wood, Indian wood treated, cast iron and steel.

(c) The Railway Board has not recommended to State Railways the use of any particular class of sleeper. Due to such considerations as freight, unsuitability of soil for use of metal sleepers, etc., the class of sleeper that can be most economically employed varies between railways and between different sections of the same railway.

(d) The information is being collected and will be laid on the table in due course.

**Mr. Manu Subedar:** May I know if the Railway Board are watching the system of purchase of sleepers by the railway administrations to see that they do so most economically?

**The Honourable Sir Thomas Stewart:** Yes Sir. It is the concern of the Railway Board to watch that the railway administrations are working as economically as possible.

**Mr. K. Santhanam:** May I know whether so far as the railway sleepers are concerned, there are any orders placed abroad?

**The Honourable Sir Thomas Stewart:** I cannot speak with any assurance but my recollection is that most of the orders, if not all, are placed in India.

**Mr. Manu Subedar:** May I know whether in view of the recent fall of steel prices, the order of preference mentioned by the Honourable Member is altered?

**The Honourable Sir Thomas Stewart:** I said that the order was based on the prices of today.

**Prof. N. G. Ranga:** Has any examination been made to satisfy Government that the present system of purchasing these various kinds of sleepers is the most economical?

**The Honourable Sir Thomas Stewart:** Yes, Sir. The system of purchase is that followed in regard to other purchases.

**Prof. N. G. Ranga:** When was this particular thing examined? Was it examined by any body of experts recruited from India alone?

**The Honourable Sir Thomas Stewart:** Does the Honourable Member wish to know whether there has been any Committee appointed to enquire into the question of sleeper purchase?

**Prof. N. G. Ranga:** Was there any expert enquiry committee recruited from among the people employed on the railways in India?

**The Honourable Sir Thomas Stewart:** I am aware that the question of suitability of various types of sleepers has been the subject of examination by experts.

**Prof. N. G. Ranga:** Experts of the Railway Board or experts specially appointed for this particular purpose?

**The Honourable Sir Thomas Stewart:** Experts from the Railways.

**Mr. K. Santhanam:** May I know if the purchases are made through the Indian Stores Department or directly by the railways concerned?

**The Honourable Sir Thomas Stewart:** They are made in accordance with the stores purchase policy of the Government of India. I cannot say without notice whether the Controller of Stores is actually employed for the purpose.

## OVERCROWDING OF TRAINS AT SEALDAH RAILWAY STATION.

**1574. Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Railway Member please state:

- (a) the number of Railway tickets collected at Sealdah station on each of the three days, *viz.*, the 5th, the 6th and the 7th November, 1938;
- (b) the total accommodation of all the passenger trains which reached Sealdah on each of the three days;
- (c) whether it is a fact that a comparison of figures for (a) and (b) disclose overcrowding;
- (d) the reasons why station staffs are allowed to sell tickets in excess of accommodation;
- (e) whether it is a fact that ordinary trains and even mails were overcrowded in those days and station staff were unwilling or powerless to prevent overcrowding;
- (f) how many special trains were run in the three days;
- (g) what concessions, if any, in fares were granted;
- (h) whether Government are prepared to consider the undesirability of announcing concessions, unless the administration is absolutely sure to be able to cope with the increased traffic;
- (i) whether there is any written record of the increased traffic estimated beforehand; and
- (j) if so, the figure for Sealdah arrivals on those three days (estimates, not actuals)?

**The Honourable Sir Thomas Stewart:** (a) to (f). The information has been called for and a reply will be laid on the table of the House when it is received.

(g) No special concession was allowed, but the period of issue and availability of week-end tickets was extended between all stations on the Eastern Bengal Railway system and Calcutta, Santipur, Nadabwip Ghat and Manihari Ghat.

(h) Railway Administrations do not notify the grant of concessions unless they have reason to believe that the increased number of passengers that are likely to travel can be conveniently dealt with.

(i) and (j). I understand that at the time the extension of the period of availability of week-end tickets was notified, it was not expected that the traffic offering would be in excess of that which could be carried by the trains which were arranged to run. Later information, however, showed that a far greater number of passengers were likely to travel, and all available stock was mobilised to cope with this number which, at that stage, was estimated to be about 75,000.

**Mr. Brojendra Narayan Chaudhury:** I want to know whether as a matter of fact there was overcrowding or not and the actual traffic went far beyond the estimated traffic.

**The Honourable Sir Thomas Stewart:** I have asked for specific information in regard to the overcrowding. But it might be deduced from the replies I have made to the latter parts of the question that there were more passengers than were expected.

**ALLEGED INCIVILITY OF A TICKET COLLECTOR TOWARDS A LADY AT SEALDAH RAILWAY STATION.**

**1575. Mr. Brojendra Narayan Chaudhury.** Will the Honourable the Railway Member please state:

- (a) whether his attention has been drawn to the following incident at Sealdah station on the 27th October, 1938, at 1-30 p.m. at the gate of platform No 3 reported by Mr F C. Ghose in the *Anandabazar* of 28th Kartik:

"A lady was coming to Calcutta from Jessore to see her dying husband lying at the Campbell Hospital. Owing to excessive rush of Choramoni Joga passengers, she was obliged to board a second class compartment though holding a lower class ticket. She had a male guardian with her. When they reached Sealdah, a crewman Travelling Ticket Collector detained the lady and prevented her from seeing her dying husband although the male guardian protested that he was responsible and was willing to be taken to police station or anywhere to be prosecuted against, as the money with him did not cover the excess fare charged for the lady and her children;

- (b) whether it is permissible under the rules to detain a *purdah* lady when accompanied by a male escort; if so, whether Government propose to consider alteration of the rules; and  
 (c) whether Government intend to censure the official concerned for incivility."

**The Honourable Sir Thomas Stewart:** (a) Yes.

(b) The procedure for dealing with a passenger found travelling without a proper ticket is laid down in the Indian Railways Act, and I would refer the Honourable Member to sections 113 and 182 of that Act.

(c) I understand the Railway Administration are making an enquiry in connection with the allegations made.

**Mr. Brojendra Narayan Chaudhury:** Do I understand that it is not allowed by the rules to detain a *purdah* lady who has a male escort?

**The Honourable Sir Thomas Stewart:** If the Honourable Member will refer to the sections of the Railway Act which I have quoted, he will find what the procedure is.

**Mr. Brojendra Narayan Chaudhury:** My question is, is the detention permissible under the rules?

**The Honourable Sir Thomas Stewart:** Certainly; the provisions of the Act are perfectly clear in that respect.

## GUARDS ON THE NORTH WESTERN RAILWAY.

**+1576. \*Sardar Sant Singh:** (a) Will the Honourable Member for Railways please state if it is a fact that on the North Western Railway, the guards of grade II are required to officiate as guards of grade III? If so, does the administration pay any officiating allowance to such guards during the period for which such guards officiate? If not, why not?

(b) Is it a fact that according to the conditions of service in force at the time of their recruitment the salaries of each grade were fixed? If so, what changes have been made? What are the grades at present, duties of each grade and the salaries fixed for each grade?

(c) Is it a fact that Indian guards on this Railway have not been given any increment in some cases for over twelve years and that the promotion of such guards stands blocked for long periods? If so, why?

(d) Is it a fact that in letter No. 737E/1/4, dated the 8th November, 1936, the North Western Railway declared its policy not to keep vacant posts of grade III and also to increase the number of posts of grade III in order to compensate them for abolishing grade IV? If so, what was the total strength of guards in grade III and IV on the above date and what is the corresponding increase made after this letter in the effective grade III?

**The Honourable Sir Thomas Stewart:** (a)—(d). The Honourable Member has asked for very detailed information which has necessitated a reference to the Railway Administration concerned. I will lay a reply on the table of the House in due course.

## LOW PERCENTAGE OF MUSLIMS ON THE EASTERN BENGAL RAILWAY.

**+1577. \*Shaikh Rafiuddin Ahmad Siddiquee:** (a) Will the Honourable Member for Railways be pleased to state the total number of Muslims employed on the Eastern Bengal Railway on the closing list of the year 1938 and the number of Muslims employed on the closing list of the year 1937?

(b) Are Government aware that the percentage of Muslims employed on the Eastern Bengal Railway is said to be about five per cent. of the total, in spite of the Government of India Resolution of 1934?

(c) What efforts Government have made to make up Muslim quotas of 45 per cent. as required on the Eastern Bengal Railway?

**The Honourable Sir Thomas Stewart:** (a) I would refer the Honourable Member to the statements given us Appendix C in Volume II of the Report by the Railway Board on Indian Railways for the years 1933-34 and 1936-37, copies of which are in the Library of the House.

(b) No. The percentage of Muslims to total number of employees on the Eastern Bengal Railway at the end of 1936-37 was 29.2.

(c) The communal percentages fixed under the Government of India Resolution referred to by the Honourable Member in part (b) of the question apply only to direct recruitment, and Government are satisfied from the annual returns submitted by the Eastern Bengal Railway that these orders are being observed.

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\*Answer to this question laid on the table, the questioner being absent.

## LOW PERCENTAGE OF MUSLIMS ON THE EASTERN BENGAL RAILWAY.

**\*1578. Shaikh Rafiuddin Ahmad Siddiquee:** Will the Honourable Member for Railways be pleased to state:

- (a) the number of Muslims and Hindus discharged on the Eastern Bengal Railway after the Resolution of 1934; and

(b) the percentage of improvement of Muslims employed since 1934, and place on the table a comparative statement of percentage in 1934, 1935, 1936 and 1937 on the whole Eastern Bengal Railway Administration?

**The Honourable Sir Thomas Stewart:** (a) Statistics of the nature referred to by the Honourable Member are not maintained. Government are informed that Muslim employees are treated in the same way as other employees in the matter of discharge.

(b) Presumably the Honourable Member requires information regarding the percentage of Muslims actually employed on the Eastern Bengal Railway for the years 1934, 1935, 1936 and 1937. It so, the improvement between 1934 and 1937 in the percentage was 2.19. I lay on the table a statement showing the percentages during the years mentioned above.

*Statement showing the percentage of Muslims actually employed on the Eastern Bengal Railway for the years 1934, 1935, 1936 and 1937*

## FACILITIES FOR SPECIAL TRAINING TO MUSLIMS ON THE EASTERN BENGAL RAILWAY.

**\*1579. \*Shaikh Rafiuddin Ahmad Siddiquee:** (a) Will the Honourable Member for Railways please state if Government are aware that no facilities for expert training in India and in foreign countries are offered to even deserving Muslims on the Eastern Bengal Railway?

(b) Will Government state the number and names of Eastern Bengal Railway employees who were offered facilities for special trainings during 1983-1988?

**The Honourable Sir Thomas Stewart:** (a) In all matters Muslim employees are treated in exactly the same way as employees of any other community. Government are informed that no discrimination has been made on the Eastern Bengal Railway in the matter of granting facilities for training in India or abroad to its employees.

<sup>†</sup>Answer to this question laid on the table, the questioner being absent.

(b) Presumably the Honourable Member is referring to the non-gazetted staff. If so, I lay a statement on the table giving the required information.

*Statement showing the names of subordinates during the years 1933 to 1938 (so far as can be ascertained) who have been granted facilities for training in India and abroad.*

1. Mr. N. R. Roy . Journeyman, Kanchrapara Shops, was sent on deputation to the East Indian Railway Shops, Jarnalpur, for training in "Heer Treatment".

(There were no Muslim Journeymen in service at that time.)

2. Mr. R. Bhattacharjee . Assistant Draughtsman, Electrical Department, was granted leave without pay for six months at his own request to take a training at the Rustam works. He had recently joined, had little leave due and his post was kept open for him.

#### DISCHARGE AND HARASSMENT OF MUSLIMS BY THE SUPERINTENDENT, WATCH AND WARD, EASTERN BENGAL RAILWAY.

+1580. \*Shaikh Rafiuddin Ahmad Siddiquee: (a) Will the Honourable Member for Railways please state if Government are aware of the fact that the Superintendent, Watch and Ward, Eastern Bengal Railway, has been indiscriminately discharging Muslim employees and harassing them in all possible directions?

(b) Will the Honourable Member inform the House of the action he has taken in this particular matter on the memorandum presented to him in Simla by Members of the Central Assembly?

The Honourable Sir Thomas Stewart: I am obtaining information and will lay a reply on the table of the House in due course.

#### SELECTION FOR THE POSTS OF PASSENGER SUPERINTENDENT AND ASSISTANT CLAIMS INSPECTOR AT HOWRAH.

+1581. \*Shaikh Rafiuddin Ahmad Siddiquee: (a) Will the Honourable Member for Railways be pleased to state how many Muslims were examined for the post of a Passenger Superintendent, Howrah Station, East Indian Railway, and Assistant Claims Inspector, Howrah Division?

(b) Were these posts advertised or made public before they were actually filled in or did the Administration set up any Selection Board to examine candidates for the said post?

(c) Will Government be pleased to state how the present incumbent of the post of Passenger Superintendent, Howrah, was selected to fill up the post permanently?

The Honourable Sir Thomas Stewart: (a) The cases of three Muslims were examined for the post of Passenger Superintendent when that post last fell vacant. There are no posts of Assistant Claims Inspector, Howrah Division.

(b) and (c). The post of Passenger Superintendent, which is a selection post, was not advertised, but was filled by the Divisional Superintendent, Howrah, from among the staff already in service on the recommendation of a Committee of three senior scale officers who considered the claims of suitable candidates.

\*Answer to this question laid on the table, the questioner being absent.

## HOURS OF WORK FOR DRIVERS.

**1582. \*Mr. K. Santhanam:** Will the Honourable Member for Railways please state:

- (a) whether any hours of work have been prescribed for drivers of locomotives;
- (b) whether they vary from railway to railway; and
- (c) whether in many cases the drivers, especially of Goods trains, have to work for more than twelve hours at a stretch?

**The Honourable Sir Thomas Stewart:** (a) I would refer the Honourable Member to the latter part of the reply given to part (a) of unstarred question No. 194 asked by Mr. Mohan Lal Saksema, on the 2nd October, 1937, in this House.

(b) and (c). I would refer the Honourable Member to page 109 of the Memorandum by the Railway Board for the Royal Commission on Labour, which gives the information available with Government. A copy of this publication is in the Library of the House.

**Prof. N. G. Ranga:** Are we to understand that the position has not changed at all since that Memorandum was submitted to the Royal Commission on Labour?

**The Honourable Sir Thomas Stewart:** Not so far as I am aware.

**Mr. T. S. Avinashilingam Chettiar:** In view of the fact, as I understand, that there is a difference in the number of hours necessary for railway drivers to work, will some steps be taken to arrive at a uniform practice?

**The Honourable Sir Thomas Stewart:** Steps have been taken as far as possible. All railway administrations have been asked to work as far as possible within the sixty-hour week.

**Prof. N. G. Ranga:** Is there no definite unalterable maximum number of hours fixed for the working of these men so that they can be assured of sufficient rest and the travellers also may be assured of sufficient safety?

**The Honourable Sir Thomas Stewart:** So far as I am aware, there is no prescribed maximum.

**Mr. K. Santhanam:** May I know if there are not cases where drivers have to work for 12 hours at a stretch? I understand there are such cases on the South Indian Railway.

**The Honourable Sir Thomas Stewart:** These, Sir, are exceptional cases.

**Prof. N. G. Ranga:** In view of the fact that the maximum number of hours was fixed in the case of motor drivers, will Government consider the advisability of taking early steps to fix similar periods for these drivers also?

**The Honourable Sir Thomas Stewart:** It is not possible to do so.

**Mr. Manu Subedar:** Does the Honourable Member suggest that a man can drive a train for 12 hours without there being an accident?

**Mr. President (The Honourable Sir Abdur Rahim):** That is a matter of argument.

#### RETRENCHMENT IN THE BROADCASTING DEPARTMENT.

**1583. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Communications state:

- (a) whether there are proposals of retrenchment in the Broadcasting Section;
- (b) if so, what are the proposals of retrenchment which Government have decided upon,
- (c) what are the proposals of retrenchment in contemplation; and
- (d) what will be the net amounts of saving in either case?

**The Honourable Sir Thomas Stewart.** (a) Yes.

(b)—(d). A statement giving the required information is laid on the table of the House

*Statement showing the proposals of retrenchment in All-India Radio and the anticipated savings on account thereof.*

Details of proposal.	Savings anticipated. 1939-40.
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Rs.

*Proposals decided upon.*

(1) Conversion of the Peshawar Station into a relay station	64,000
(2) Keeping vacant the posts of Director of Programme Planning and Director of Publicity . . . . .	12,000

*Proposals under contemplation.*

(1) Postponement of the opening of the Trichinopoly and Dacca Stations or opening them as relay stations only.	No final decision has been reached. If the opening of the stations is postponed there will be a saving of about 2½ lakhs. If they are run as relay centres there should be a saving of at least a lakh.
(2) Keeping vacant the post of Assistant Chief Engineer . . . . .	Rs. 9,000

**Mr. T. S. Avinashilingam Chettiar:** Apart from Trichinopoly and Dacca, are there any other contemplated stations which are not going to be opened according to the original programme?

**The Honourable Sir Thomas Stewart:** I am afraid I do not understand what the Honourable Member means by "contemplated". If he means stations in respect of which definite plans and estimates had been drawn up and decisions had been taken, then the answer is, no.

**Prof. N. G. Ranga:** Is this retrenchment policy of the Government of India in regard to this broadcasting section completely independent of any considerations of the capacity of any particular station to pay or not to pay its own way?

**The Honourable Sir Thomas Stewart:** No, Sir; I should be very reluctant to say that the policy of Government was independent of the financial considerations involved.

**Mr. T. S. Avinashilingam Chettiar:** May I have the figures asked for in clause (d)?

**The Honourable Sir Thomas Stewart:** In each case it is given in the statement I have laid on the table.

**Mr. T. S. Avinashilingam Chettiar:** May I have the total?

**The Honourable Sir Thomas Stewart:** I am afraid I cannot give the total.

#### CLOSING OF A RAILWAY SIDING IN MEERUT DISTRICT.

**1584. \*Mr. Sham Lal** (on behalf of Mr. Sri Prakasa): Will the Honourable Member for Railways state:

- (a) if there was a railway siding of the North Western Railway at Qaiserganj in the Meerut district, working for the last year and a half or so, to supply the needs of the merchants of the locality;
- (b) if, on the Municipality charging an octroi on goods brought in Qaiserganj, which were formerly exempt from the same, the merchants moved off to another centre called Sabun, where also there was a railway siding called Tataganj;
- (c) if the Commissioner of Meerut wrote to the Divisional Superintendent, Delhi, to close the Tataganj railway siding;
- (d) if the Divisional Superintendent did so;
- (e) if the Divisional Superintendent consulted his higher authorities before taking action in this behalf;
- (f) if the Commissioners of Provincial Governments have any authority over the Railway Administration;
- (g) the considerations that led the Divisional Superintendent of Delhi to comply with the wishes of the Commissioner, Meerut; and
- (h) what is the usual procedure adopted in such cases?

**The Honourable Sir Thomas Stewart:** (a) to (d). Yes.

(e) The matter is within the competence of the Divisional Superintendent.

(f) No.

(g) and (h). The siding had been opened as a temporary measure and was closed as it was not economical to continue dealing with goods traffic, both in this temporary siding and at the Kaisergunj Mandi. The handling of goods at both places resulted in the duplication of staff, additional wagons being used, and involved more shunting. The usual procedure in

the provision and withdrawal of facilities of this kind is to consult the local civil authorities.

#### **ILLITERATE DRIVERS, SHUNTERS AND FIREMEN ON THE NORTH WESTERN RAILWAY.**

**1585. \*Mr. Sham Lal:** Will the Honourable the Railway Member be pleased to state:

- (a) if there are illiterate drivers, shunters and firemen and if he is aware that on account of this lack of education, there is great danger to public safety;
- (b) if the answer to part (a) above be in affirmative, what procedure is adopted on the North Western Railway to keep the illiterate drivers, shunters and firemen in touch with train working rules, circulars and letters issued by the departmental heads in connection with the train and locomotive working in the interest of public safety;
- (c) if it is a fact that many illiterate drivers run through the stations where the trains are booked to stop and thus harassing the public; and
- (d) if it is so, why the North Western Railway Administration does not reserve the post of the driver for literate men only like other Indian Railways while many literate men are available now-a-days?

**The Honourable Sir Thomas Stewart:** (a) and (b). There are illiterate drivers, shunters and firemen. The qualifications and competency of men for posts of drivers and shunters are tested by a superior officer before appointments to any of these posts are made. The departmental arrangements for keeping such staff advised of instructions issued from time to time in connection with the working of trains are such as to ensure that public safety is not endangered.

(c) The illiteracy of a driver has, so far as Government are aware, never been a contributory factor to a train running through a station at which it is required to stop.

(d) Does not arise.

**Prof. N. G. Ranga:** Is any effort being made by the railways to teach these people how to read and write in their spare time?

**The Honourable Sir Thomas Stewart:** No, Sir; I am not aware that any adult literacy campaign is being carried on by the railway administrations.

**Prof. N. G. Ranga:** Will Government consider the advisability of appealing to the teachers employed in their own railway schools to conduct these adult education classes for these people so that they may be helped to learn to read and write?

**The Honourable Sir Thomas Stewart:** No, Sir; I do not think the Honourable Member's suggestion is practicable.

## PROMOTION OF LITERATE MEN AS DRIVERS ON THE NORTH WESTERN RAILWAY.

**1586. \*Mr. Sham Lal:** Will the Honourable the Railway Member be pleased to state:

- (a) if it is a fact that North Western Railway have selected some literate men to promote them as drivers;
- (b) if the answer to part (a) above be in the affirmative, in how many grades they have been appointed;
- (c) on what grounds they were employed in different grades and different rates of wages;
- (d) if it is a fact that there are four grades and there are four kinds of trains, mail, express, passenger and goods; and
- (e) how many drivers of grade II are employed on passenger trains?

**The Honourable Sir Thomas Stewart:** (a) The appointment of literate men as firemen with a view to their eventually becoming drivers when so qualified is a long-established practice

(b) and (c). If the Honourable Member will specify the period for which the information is required, I will endeavour to obtain it

(d) Yes.

(e) The information is not readily available

## PROMOTIONS OF CLEANERS, FIREMEN AND SHUNTERS ON THE NORTH WESTERN RAILWAY.

**1587. \*Mr. Sham Lal:** With reference to his reply to my starred question No. 158, clause (e), asked in this House on the 12th August, 1938, that orders contained in the Agent, North Western Railway, letter No. 522/179, dated the 20th November, 1938, were cancelled for administrative reasons, will the Honourable the Railway Member be pleased to state:

- (a) whether it is a fact that in reply to the memorial of literate men, the staff were informed in February, 1935, that the total length of service of cleaners in grades I and II on their combined list will be taken in determining their seniority for the promotion to the post of firemen;
- (b) whether it is a fact that these orders concerned the cleaners only, or firemen and shunters were also affected by these orders;
- (c) whether it is a fact that grade IV is preferred to grade III, similarly grade III to II, if so, whether the grade II is not given this preference over grade I; and
- (d) whether the administration is prepared to promote literate men as drivers in the interest of safe working and public safety, if so, when, if not, why not?

**The Honourable Sir Thomas Stewart:** (a) Yes.

(b) The orders were applicable to cleaners only.

(c) As grades I and II are combined, no question of preference as between men in the combined grade arises.

(d) I would refer the Honourable Member to the reply I have just given to his question No. 1585.

## (b) WRITTEN ANSWERS.

## NON-STOPPAGE OF CERTAIN TRAINS AT NATHNAGAR ON THE EAST INDIAN RAILWAY.

**1588. \*Babu Kailash Behari Lal:** Will the Honourable the Railway Member be pleased to state:

- (a) if it is a fact that the Railway authorities received representation from the local public at Nathnagar for the stoppage of 23-Up and 24-Down trains at Nathnagar railway station on the Sahibganj loop line of the East Indian Railway;
- (b) if it is a fact that on account of lowering of speed from 25 miles to 10 miles per hour between some of the stations due to the standard of interlocking at these stations, the railway authorities showed their inability to accede to the request of the public for the stoppage of the said trains at Nathnagar, and
- (c) if it is a fact that the railway authorities have proposed to reconsider the question of stoppage of the said trains at Nathnagar as soon as the position in respect of the speed restriction on the Sahibganj loop improves?

**The Honourable Sir Thomas Stewart:** (a), (b) and (c). Yes.

## BREACH BETWEEN BADLA GHAT AND DHAMHARA GHAT ON THE BENGAL AND NORTH WESTERN RAILWAY.

**1589. \*Babu Kailash Behari Lal:** (a) Will the Honourable Member for Railways be pleased to state when did the breach occur between Badla Ghat and Dhamhara Ghat in Bengal and North Western Railway?

(b) For how many days the traffic was closed and when it was resumed?

(c) What is the arrangement for transhipment in the breach?

(d) If Government propose to run through train between Badla Ghat and Dhamhara Ghat by making diversion line over some temporary bridge?

**The Honourable Sir Thomas Stewart:** (a) 21st August, 1938.

(b) 28 days. The traffic was resumed on the 18th September.

(c) Transhipment is over a pontoon bridge.

(d) Trains will run through as soon as the diversion now under construction has been completed.

## REPRESENTATION OF BIHAR IN THE ADVISORY COMMITTEE OF THE EASTERN BENGAL RAILWAY.

**1590. \*Babu Kailash Behari Lal:** Will the Honourable Member for Railways be pleased to state:

- (a) the total mileage of Eastern Bengal Railway and how many miles of it run through Bihar; and

(b) whether there is any Advisor Board for Eastern Bengal Railway and whether there is any representation of Bihar in the said Board?

**The Honourable Sir Thomas Stewart:** (a) 2,010, of which 222 are in Bihar.

(b) The reply to the first part is in the affirmative and to the second in the negative.

**LOSS OF A BAG OF THE DELHI RAILWAY MAIL SERVICE CONTAINING REGISTERED ARTICLES.**

**1591. \*Bhai Parma Nand:** (a) Will the Honourable Member for Communications be pleased to state if it is a fact that the registered bag of Delhi Railway Mail Service, dated the 10th April, 1937, was substituted with an empty bag and was received in the Delhi General Post Office?

(b) Is it a fact that the Postmaster, Delhi, failed to take any action till after the expiry of more than two weeks?

(c) Is it a fact that the mail agents and mail clerk, Delhi, were suspected and handed over to the police?

(d) Is it a fact that after a searching enquiry, the police found them not guilty and let them off?

(e) Is it a fact that a portion of the loss was recovered from these persons?

(f) Is it a fact that the registered parcels bags received before 6 A.M. by the mail clerk from the railway station were kept unsecured on the floor of the respective branches without a box big enough to secure them, as required by rule 65 (4) of the Manual, Volume IV?

(g) Is it a fact that the Postmaster, Delhi, who did not act according to the rules, escaped all responsibility for the loss?

**The Honourable Sir Thomas Stewart:** (a) I understand that the fact is as stated.

(b) to (g). I have no information on these points. The matter has been dealt with by the Postmaster-General, Punjab and North-West Frontier Circle, within whose competence it is and a copy of the question is being sent to him.

**DISREGARD OF COMMUNAL PROPORTION BY THE SUPERINTENDENT OF POST OFFICES, ETAWAH, IN MAKING APPOINTMENTS.**

**1592. \*Bhai Parma Nand:** (a) Will the Honourable Member for Communications be pleased to state if it is a fact that there is fixed a communal proportion for recruitment to the postal services for the United Provinces?

(b) Is it a fact that the Superintendent of Post Offices in Etawah subdivision is completely disregarding that ratio in making superior and inferior appointments?

**The Honourable Sir Thomas Stewart:** (a) Yes.

(b) Government have no information to that effect. The Postmaster-General is competent to deal with the matter and a copy of the question

**SUB-LETTING OF A CONTRACT AT THE DELHI RAILWAY STATION.**

**1593. \*Mr. D. K. Lahiri Chaudhury:** Will the Honourable Member for Railways please inquire and state :

- (a) whether to sub-let a contract on the North Western Railway is a breach of contract; and
- (b) whether the contractor of miscellaneous eatables sold at Delhi main station has sub-let the contract to one Ram Kanwar of Katra Lachhu Singh, Kauria Pul, Delhi?

**The Honourable Sir Thomas Stewart:** (a) Yes

(b) The General Manager, North Western Railway, states that he has no reason for believing that the contract has been sub-let

**CONTRACTS FOR LOADING AND UNLOADING OF GOODS IN DELHI AND ALLAHABAD DIVISIONS.**

**1594. \*Mr. D. K. Lahiri Chaudhury:** Will the Honourable Member for Railways please state

- (a) whether the contractor of loading and unloading of goods in Delhi Division, North Western Railway, has sub-let his contract to a resident of Delhi;
- (b) whether the said contractor has been given contracts in Allahabad Division, East Indian Railway;
- (c) whether the tenders for the contracts given to the said contractor were invited by the East Indian Railway Administration;
- (d) the newspapers and the date in which the advertisement for these tenders were published; and
- (e) the professional qualifications of the said contractor?

**The Honourable Sir Thomas Stewart:** (a) The General Manager, North Western Railway, has no reason to believe that the contract has been sub-let.

- (b) Yes.
- (c) No.
- (d) Does not arise.

(e) The contractor has considerable experience in dealing with contracts for the handling of goods and for licensing coolies. He has held the Delhi Division contract since 1931 and has the requisite capital and experience of the labour market to successfully discharge his obligations under the contract.

**NOMINATION SYSTEM ON THE BENGAL NAGPUR RAILWAY.**

**1595. \*Mr. K. S. Gupta:** (a) Is the Honourable the Railway Member aware that nominations in service exist on the Bengal Nagpur Railway?

(b) Is it a fact that the officers on the Bengal Nagpur Railway suddenly nominate juniors to superior posts over and above the heads of qualified seniors?

(c) Is the Honourable Member aware that the seniors are prevented from making any complaint on pain of dismissal?

(d) Is the practice of nomination prevalent in other Railways?

(e) Is the Honourable Member prepared to draw the attention of the authorities of the Bengal Nagpur Railway that such injustice is put an end to?

**The Honourable Sir Thomas Stewart:** (a) to (c) and (e). Government have no information. The staff referred to are not Government servants, it are the servants of the Bengal Nagpur Railway, which is Company-managed. I am, however, sending a copy of this question to the Agent and General Manager of that Railway for such action as he may consider necessary.

(d) I presume the Honourable member is referring to promotion of non-gazetted staff. If so, so far as the State-managed Railways are concerned, up to certain grades promotion is governed by seniority and above those grades by selection in accordance with the rules for the recruitment and training of non-gazetted staff on the State-managed Railways, a copy of which is in the Library of the House.

#### PRIVILEGE AND CASUAL LEAVE TO EMPLOYEES ON THE BENGAL NAGPUR RAILWAY.

1596. \***Mr. K. S. Gupta:** (a) Is the Honourable the Railway Member aware that for privilege and casual leave the employees on the Bengal Nagpur Railway have to wait for turns for years in the first case and months in the other?

(b) Is it a fact that privilege leave often lapses in the case of several employees of the Bengal Nagpur Railway for want of turns? If so, what is the action to be taken by Government to see that privilege and casual leave is not denied on the Bengal Nagpur Railway?

**The Honourable Sir Thomas Stewart:** (a) and (b). Government have no information. The staff employed on the Bengal Nagpur Railway are not Government servants. I am, however, sending a copy of this question to the Agent and General Manager of that Railway for such action as he may consider necessary.

#### CONSTRUCTION OF A COMBINED BOOKING AND PARCEL OFFICE AT VIZIANAGRAM ON THE BENGAL NAGPUR RAILWAY.

1597. \***Mr. K. S. Gupta:** (a) Is the Honourable the Railway Member aware that the combined booking and parcel office at Vizianagram, Bengal Nagpur Railway, was recently built?

(b) Is there any excess amount spent than the estimated cost for the building? If so, what is the excess? Is the excess due to modifications in the type-drawing?

(c) Is the sanction for modifications obtained from the superior authority by the officer concerned? If not, who is responsible for the modifications and the excess cost?

(d) Is there any type-drawing and estimate for the parking place at Vizianagram station? If so, is there any provision made for a trough to hold drinking water for horses and bulls?

**The Honourable Sir Thomas Stewart:** Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

**LEVEL OF THE ASHPIT AT DUSI AND HEIGHT OF MASONRY PILLARS OF WATER TANKS AT WALTAIR.**

**1598. \*Mr. K. S. Gupta:** (a) Is the Honourable the Railway Member aware that the level of Dusi (Bengal Nagpur Railway) ashpit, newly constructed, has been two inches below the engine height?

(b) Were there any complaints from the engine-drivers with regard to the level of the ashpit?

(c) Has the height subsequently been raised? If so, who is responsible for the double expenditure?

(d) Is the Honourable Member aware that the height of masonry pillars of water tanks at Waltair had to be raised for a free flow of water? Is it due to the wrong levels taken at the time of construction of the overhead watering arrangements at Waltair? If so, who is responsible for this bad work and excess cost?

**The Honourable Sir Thomas Stewart:** Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

**DERAILMENT OF A GOODS TRAIN ON SOLWA BRIDGE BETWEEN JIMMIDIPETA AND GUMDA.**

**1599. \*Mr. K. S. Gupta:** (a) Will the Honourable the Railway Member please state if it is a fact that there was a derailment of 518 goods train on Solwa Bridge between Jimmidipeta and Gumda at mid-night on the 13th July, 1937? If so, what was the cause of the derailment?

(b) Who was the Sub-Divisional Officer in charge of the section?

**The Honourable Sir Thomas Stewart:** (a) Yes, the accident occurred between Jimmidipeta and Gumda. It was due to the track being defective after heavy rain.

(b) This information is not available

**RAILWAY OFFICIALS RECEIVING FAREWELL ADDRESSES, ETC.**

**1600. \*Mr. K. S. Gupta:** Will the Honourable the Railway Member please state the policy of Government with regard to the railway officials receiving farewell addresses and valuable presents from their staff and their contractors at the time of transfer or retirement?

**The Honourable Sir Thomas Stewart:** The policy of Government in this matter is that the acceptance of farewell entertainments and addresses is prohibited except such as are of a substantially private and informal character. Railway servants are also prohibited from accepting presents unless they are of trifling value and the instructions are that they should use their best endeavours to discourage the tender of such gifts.

**PAYMENTS FOR THE HAULAGE OF SALOONS.**

**1601. \*Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Railway Member please state whether the Provincial Governments and the Government of India pay for the haulage of saloons reserved for Ministers, Members, and other officials? If so, at what rate?

(b) Does the railway administration charge for the haulage of the saloons of railway officers? If not, is the railway administration prepared to charge for the haulage in future and debit the amount under the heading of travelling allowances?

**The Honourable Sir Thomas Stewart:** (a) Yes. The rates charged are given in rule 104, page 124 of the Indian Railways Conference Association's Coaching Tariff, No. 11, a copy of which is in the Library of the House

(b) The reply to both parts is in the negative

#### GRANT OF FREE PASSES TO REFRESHMENT ROOM CONTRACTORS, ETC.

**1602. \*Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Railway Member please state whether the Railway administration give free passes to contractors engaged in construction, refreshment rooms, and otherwise?

(b) If the answer to part (a) be in the affirmative, do Government propose to determine the monetary value of these passes and debit the amount under the heading concerned?

**The Honourable Sir Thomas Stewart:** (a) Yes in cases in which the terms of the agreements entered into with the contractors provide for passes being issued.

(b) No.

#### DELAY IN THE DELIVERY OF DAk FROM PURULIA AT PATNA.

**1603. \*Mr. Ram Narayan Singh:** (a) Is the Honourable Member for Communications aware that formerly *dak* from Purulia was delivered to the addressees at Patna on the next day, but that it is now so done on the third day?

(b) If the answer to part (a) be in the affirmative, is he prepared to enquire into the grievances of the people mentioned in part (a) above and to state whether these grievances will be removed?

**The Honourable Sir Thomas Stewart:** (a) The position is as stated by the Honourable Member except that uninsured articles of the letter mail meant for delivery from Patna Head Post Office are delivered at the window of the office at 10-30 hours on the second day of posting.

(b) The delay in delivery is due to the 52 Up Puri Asansol Fast Passenger which takes the Purulia mails at Adra Junction not connecting with the 5 Up Punjab Mail at Asansol. I understand that the Bengal Nagpur and the East Indian Railway Administrations have examined this point and the conclusion arrived at is that the connection is not at present practicable.

#### ABSENCE OF A POSTS AND TELEGRAPH OFFICE AT CHAKULYA IN SINGHBHUM DISTRICT.

**1604. \*Mr. Ram Narayan Singh:** Is the Honourable Member for Communications aware of the fact that Chakulya in the Singhbhum district is an important railway station for the Bengal Nagpur Railway and

also an important centre of trade in the district, but that there is no Posts and Telegraphs Office there, and if so, is he prepared to enquire into the desirability of having a Posts and Telegraphs Office there?

**The Honourable Sir Thomas Stewart:** I have no information. The matter is within the competence of the Postmaster-General, Bihar and Orissa Circle to whom a copy is being sent for such action as he considers desirable.

**INTERFERENCE WITH CONGRESS ACTIVITIES BY CERTAIN RAILWAY OFFICIALS AT GIRIDIH AND BERMO.**

**1605. \*Mr. Ram Narayan Singh:** Is the Honourable Member for Railways aware of the fact that Railway Colliery Superintendent of Giridih and the Manager of the Joint Railway Colliery, Bermo, are interfering with Congress activities of the local Congress workers among the labourers of the railway collieries there and if so, is it his intention to enquire into the reasons for this interference?

**The Honourable Sir Thomas Stewart:** The reply to the first part is in negative. The second part does not arise.

**SALE OF TICKETS AT GAYA RAILWAY STATION.**

**1606. \*Mr. Ram Narayan Singh:** Is the Honourable Member for Railways aware that at Gaya railway station there are sign-boards hung up here and there to show that tickets are available all twenty-four hours, but tickets are really sold to intending passengers only about an hour before the train leaves the station? If so, what are the orders of the authority and the practice actually prevailing on this point in the locality there?

**The Honourable Sir Thomas Stewart:** The General Manager East Indian Railway, states that tickets can be obtained at all hours at Gaya railway station and that the Station Master, Gaya, has not received any complaint that tickets are sold only about an hour before the train leaves the station.

**RAILWAY FACILITIES FOR THE INDIAN NATIONAL CONGRESS SESSION TO BE HELD AT TRIPURA.**

**1607. \*Mr. Ram Narayan Singh:** Will the Honourable Member for Railways be pleased to make a full statement as to the steps the railway authorities are going to take to give facilities to the coming sessions of the Indian National Congress going to be held at Tripura in the Central Provinces in the month of February next?

**The Honourable Sir Thomas Stewart:** (i) Adhartal station will be re-opened temporarily to facilitate train operations.

(ii) Return tickets for all classes of passengers at a fare and a half will be issued from all Great Indian Peninsula Railway stations, excluding those on feeder lines, to Madan Mahal.

(iii) The number of carriages on the ordinary trains running on this section will be increased. Special trains will be arranged and shuttle services run as may be found necessary.

(iv) The following temporary facilities will be provided at Madan Mahal station

Waiting accommodation for upper class passengers in tents.

Waiting accommodation for third class male and female passengers, (bamboo matting construction) including bathing places, urinals and latrines

Seventeen units temporary detachable service huts for various uses such as booking offices, police chowkies, food stalls, segregation hut and first-aid hut, etc

Five units temporary detachable huts for staff

Leveling ground and improvement of road

Rail level passenger platform.

Extension of siding for stabling accommodation

Unclimbable fencing and gates

Lighting arrangements with high power lamps.

Water supply and drainage.

Temporary foot overbridge.

#### DRAFTSMEN CLERKS OF THE TELEGRAPH ENGINEERING DEPARTMENT.

**1608. \*Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable Member for Communications be pleased to state

- (a) whether it is a fact that the draftsman clerks of the Telegraph Engineering Department are required to do works which are mostly technical in nature;
- (b) whether it is a fact that drastic reduction has been made in the pay of the draftsman clerks under the revised scales of pay;
- (c) whether it is a fact that the draftsman clerks or the old scales of pay were in receipt of about six or seven advance increments for their additional technical qualification;
- (d) whether it is a fact that the second grade draftsman clerks in the revised scales of pay are required to undergo a test in an additional paper in drawing; and
- (e) whether Government are prepared to grant advance increments to the lower grade draftsman clerks for their additional technical qualification; if not, why not?

**The Honourable Sir Thomas Stewart:** (a) and (b). No.

(c) The orders of Government were to create these posts on the ordinary time-scale of pay for clerks but the Director-General was authorised to fix the initial pay of a draftsman clerk at any stage of the time-scale not exceeding the stage of Rs. 80 as it was thought that it might not be possible to obtain them on the minimum pay of the time-scale. I understand that they were recruited on a higher initial pay in the old time-scale.

(d) No test is formally laid down

SUPPLY OF WATERPROOFS TO TELEGRAPH LINEMEN ON PETROL DUTY.

**1609. \*Mr. Amarendra Nath Chattopadhyaya:** Will the Honourable Member for Communications be pleased to state:

- (a) whether it is a fact that telegraph linemen on patrol duty have to carry a bag of tools, etc., on the head while walking and watching wires overhead;
- (b) whether it is a fact that these linemen on patrol and interruption duties have occasionally to climb up trees and telegraph posts;
- (c) whether he is aware that it is not convenient for the linemen to do their duties with waterproofs on in rainy season instead of using umbrellas; and
- (d) if the replies to parts (a), (b) and (c) above be in the affirmative, whether Government are prepared to sanction waterproofs to linemen; if not why not?

**The Honourable Sir Thomas Stewart:** (a) Yes, but not necessarily on the head.

- (b) Yes.
- (c) No.

(d) The existing rules already authorise the supply of waterproof caps and capes to telegraph line staff employed in localities where the rainfall is exceedingly heavy and they are sanctioned as and when considered necessary.

INCOME AND EXPENDITURE OF THE VIZAGAPATAM HARBOUR.

**1610. \*Seth Govind Das:** Will the Honourable Member for Communications please state:

- (a) whether the receipts of revenue of the Vizagapatam Harbour in 1937-38 exceeded the working expenditure, including the interest charges on capital;
- (b) the difference, if any, in the event of the revenue exceeding the working expenditure, including interest charges; or the deficit amount if the revenue receipts are less than the working expenses *plus* interest;
- (c) whether it is contemplated by Government either to close the port, or hand it over to the Bengal Nagpur Railway;
- (d) the part of the total interest on the capital invested on the port which has been paid by the harbour from the beginning till this year;
- (e) the total amount of interest on the invested capital due from the harbour;
- (f) whether Government hope to recover the total interest charges on the capital invested from the port; and
- (g) whether Government propose the re-organisation of the harbour so as to place its revenues on a remunerative basis?

**The Honourable Sir Thomas Stewart:** (a) No.

(b) There was a surplus of Rs. 31,671 in the year 1937-38 excluding the interest charges on capital. These latter amounted approximately to Rs. 18 lakhs during the year.

(c) and (g). Government do not contemplate closing the Port, but they are exploring all avenues for improving its financial position.

(d) No part.

(e) and (f). The interest charges during the period of construction amounted to Rs. 89 lakhs, and since 1934-35 the annual interest charges have varied between 18 and 19 lakhs per annum. I am afraid I am quite unable to say whether this will be recovered or not. There cannot be any hope of recovering it of course if the Port is closed down.

#### EMPLOYMENT OF PASSED CANDIDATES AS POSTAL CLERKS IN BIHAR AND ORISSA.

**1611. \*Seth Govind Das:** Will the Honourable Member for Communications please state :

- (a) with reference to my starred question No. 728 of the 5th September, 1938, whether arrangements have been made to entertain the services of those postal clerks that have passed the February examinations held at Ranchi;
- (b) whether the result of the Ranchi examination was published;
- (c) the reason for holding other examinations for clerks before absorbing them in permanent services;
- (d) whether their services rendered during the last nine months have been satisfactory enough; and
- (e) whether he is prepared to consider the desirability of absorbing them in permanent service and suspend holding of further examinations for fresh appointments until there are sufficient vacancies for another contingent of clerks for service?

**The Honourable Sir Thomas Stewart:** (a) Sixteen of the candidates who passed the examination held at Ranchi in February, 1937, and were approved by the Postmaster-General have been permanently employed.

- (b) No.
- (c) The introduction of a new system of recruitment by open competitive examination. Those who appeared at the February examination referred to were only eligible for vacancies which occurred before the announcement of the competitive examination.
- (d) Government have no information.
- (e) I would refer the Honourable Member to the reply given to part (d) of his starred question No. 728 on the 5th September, 1938.

#### ORIYAS IN THE SUBORDINATE POSTAL SERVICE IN ORISSA.

**1612. \*Seth Govind Das:** Will the Honourable Member for Communications please state :

- (a) the percentage of Oriyas in the subordinate service of the Postal Department in Orissa as against Bengalis and Biharis;

- (b) the number of Postal Inspectors engaged in the entire province of Orissa and the number of Oriyas among them;
- (c) the number of Oriya Inspectors engaged in the Postal Department of the Sambalpur Division;
- (d) the number of Oriyas in the Province of Orissa working now as Postmasters and Telegraph Masters, as against Bengalis, Biharis and others;
- (e) whether the appointment of Oriyas in their Province has been given preference against candidates that are non-Oriyas; and
- (f) whether Government propose taking special care to give preference to the people of the Provinces they belong over outsiders notwithstanding their claim of domicile?

**The Honourable Sir Thomas Stewart:** (a) to (d). The information asked for is not available and cannot be collected without undue expenditure of time and labour.

(e) Candidates joining the subordinate services in the various branches of the Posts and Telegraphs Department must as a general rule belong to (*i.e.*, be natives of or be domiciled in) the revenue division in which they enlist. So far as these services are concerned the people of Orissa do get a preference over candidates from outside the province.

(f) No.

#### LEVY OF POLL-TAX ON FOREIGNERS RESIDING IN FRENCH INDIA.

**1612A. \*Mr. K. Santhanam:** Will the Secretary for External Affairs please state:

- (a) whether the attention of Government has been drawn to the news published on page 5 of the Madras Mail of the 10th November, 1938, relating to the proposed levy of poll-tax on foreigners residing in French India;
- (b) whether the news is correct, and, if so, whether the tax will be levied on British Indians in French India; and
- (c) what steps Government have taken or propose to take in the matter?

**Sir Aubrey Metcalfe:** (a) Yes.

(b) The Government of India are informed that the Government of the French Settlements in India propose to levy such a poll-tax upon all foreigners resident in those Settlements without discrimination and, since British Indians rank as foreigners, they will also have to pay the tax, if it is imposed by law.

(c) The matter is one which concerns the internal administration of a Foreign Settlement, so that no direct action by the Government of India is possible. Government are, however, considering the matter with particular reference to the question whether the interests of British Indian subjects will be adversely affected. It would not be in the public interest to explain at present what course they propose to adopt in the matter.

## UNSTARRED QUESTIONS AND ANSWERS

†97-104.

‡105.

### POSTS WITH SALARIES CREATED IN THE RAILWAY DEPARTMENT AND ON STATE RAILWAYS.

**106. Mr. Satya Narayan Sinha:** (a) Will the Honourable Member for Railways please lay on the table a list of gazetted and non-gazetted posts and the salaries attached to them created in the Railway Department, Railway Board, Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways separately since the inauguration of the Montague-Chelmsford Reforms and the total increase in 1938, over the expenditure in 1919?

(b) Has any retrenchment been effected in the salary of those posts after 1930? If so, to what extent and in which posts; and if not, why not?

**The Honourable Sir Thomas Stewart:** (a) The information is not readily available and Government are not prepared to compile it as they consider that the amount of time and labour involved in its compilation will not be justified by the results likely to be obtained.

(b) I would refer the Honourable Member to rules 156—159 and Appendix XVII of the State Railway Establishment Code corrected up to 30th June, 1937, which gives the old and the revised scales of pay for the gazetted staff of State-managed Railways. A copy of this publication is in the Library of the House.

As regards non-gazetted staff, I would refer the Honourable Member to the statements showing the revised scales of pay for non-gazetted staff on State-managed Railway which are in the Library of the House. These contain the information available with Government.

### CONFIDENTIAL REPORTS OF STAFF ON STATE RAILWAYS.

**107. Mr. Satya Narayan Sinha:** Will the Honourable Member for Railways please refer to the replies given to:

(i) part (1) of starred question No. 113, asked on 3rd February, 1938;

(ii) question No. 189, asked on 14th November, 1932;

(iii) starred question No. 1464, asked on 28th November, 1932; and

(iv) starred question No. 1250, asked on 15th October, 1936;  
and state:

(a) the category of staff (non-gazetted) and salaries attached to them for which confidential reports are required on Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways; and

(b) whether the staff are shown or communicated the contents of their confidential reports, or whether the confidential reports are not meant for the person concerned or affected?

**The Honourable Sir Thomas Stewart:** (a) and (b). The powers to frame detailed rules for the preparation, submission and disposal of confidential

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†These questions, which were on the Order Paper, for the 25th November, 1938, have lapsed, the meeting fixed for that day having been cancelled.

‡This question, which was on the Order Paper for the 28th November, 1938, has lapsed, the House having adjourned in memory of the late Maulana Shaukat Ali M. L. A.

reports on non-gazetted railway servants have been delegated to the General Managers of State-managed Railways. In this connection I would refer the Honourable Member to paragraph 668 on page 190 of the State Railway Establishment Code corrected up to 30th June, 1937, a copy of which is in the Library of the House.

#### RUNNING OF TRAINS ACCORDING TO TIMINGS ON THE EAST INDIAN RAILWAY.

**108. Mr. Satya Narayan Sinha:** Will the Honourable Member for Railways please refer to the replies given to starred question No. 116, asked on the 3rd February, 1938, and state whether the trains on the East Indian Railways run according to the timings indicated in the time-table then in force?

**The Honourable Sir Thomas Stewart:** Every endeavour is made by the Administration to adhere to the timings shown in the time-table, but the more important trains were running late during the greater part of last year when the Administration decided to transfer XB class engines to the Lucknow and Moradabad Divisions where the only continuous length of 90 lb track on the East Indian Railway exists. On these sections, a speed restriction of 45 miles per hour was imposed on these engines as an additional precautionary measure. The result was that trains had to run to a time-table worked out on the basis of a maximum speed limit of 60 miles per hour with the general restriction of 45 miles per hour in force operating over a considerable length of the run. The complete alteration of the time-table was considered, but rejected as impracticable, as all arrangements at junctions with other railways and with the Postal Department would have been completely upset.

#### GRIEVANCES OF THE EAST INDIAN RAILWAY STAFF SERVING IN THE DELHI DIVISION.

**109. Mr. Satya Narayan Sinha:** Will the Honourable Member for Railways please state:

- (a) whether the North Western Railway Administration on 14th December, 1937, assured the staff taken over from the East Indian Railway Administration on transfer of Ghaziabad-Delhi-Kalka Section that their further advancement depended upon vacancies, their seniority and satisfactory work;
- (b) whether the said assurance has been retracted by the Divisional Superintendent, Delhi, in his letters Nos. 729-E /26/511, dated 5th March, 1938, 11th June, 1938 and 15th July, 1938; and
- (c) the number and category of East Indian Railway staff, serving in Delhi Division, who have not received advancements after that assurance and the reasons therefor?

**The Honourable Sir Thomas Stewart:** I am obtaining information and will lay a reply on the table of the House in due course.

#### PROMOTIONS TO THE ASSISTANT STATION MASTERS' POSTS ON THE NORTH WESTERN RAILWAY.

**110. Mr. Satya Narayan Sinha:** Will the Honourable Member for Railways please refer to the information given on 15th February, 1938, to

parts (e) and (f) of starred question No. 24, asked on 31st January, 1938, and state:

(a) the pay in scale excluding running, milcage or other allowances of the staff before and on promotion; and

(b) the community of the staff promoted?

**The Honourable Sir Thomas Stewart:** (a) and (b). I lay on the table two statements giving the information required by the Honourable Member.

*Statement showing categories of staff to which Assistant Station Masters or Station Masters were promoted from 1st January, 1935 to 31st December, 1937.*

Category of staff.	Community.	Scale of pay before promotion.	Pay before promotion.	Scale of pay after promotion.	Pay after promotion.	Remarks.
<i>Station Masters, Grade III.</i>	1 Hindu	150—10—190	160	250 fixed .	250	} Promoted as Chief Cash Witness.
	1 Muslim	150—10—190	190	250 fixed	250	
<i>Station Master, Grade I</i>	1 Muslim	78—4—90—5—95	95	320—15—380—20—500	350	Had put in 2 years officiating service.
<i>Assistant Station Master, ordinary.</i>	1 Sikh	} 45—5—60—3—75	66	100—5—140	100	Promoted as Traffic Inspector Promoted as Assistant Sales Inspector.
	1 Muslim					

*Statement showing categories of staff promoted to the post of Assistant Station Masters, Grade V.*

Category of Staff.	Community.	Scale of pay before promotion.	Pay before promotion.	Pay after promotion.	Pay allowed after promotion.	Remarks.
<i>Guards, Grade III</i>	1 Hindu	75—5—105—115	115	260—10—300	280	Had one year's officiating service at their credit.
	1 Sikh	Do.	115	Do.	260	
	1 Anglo-Indian	Do.	115	Do.	270	
	1 Hindu	Do.	115	Do.	270	
	2 Sikhs	Do.	115	Do.	270	
	1 Parsee	Do.	115	Do.	270	
	1 European	Do.	115	Do.	270	
	1 Hindu	} Do.	105	Do.	280	Had 2 years officiating service at their credit.
	1 European					
<i>Guards, Grade IV</i>	1 Anglo-Indian	} Do.	115	Do.	280	Had 2 years officiating service at their credit.
	1 Muslim					
	1 Hindu	Do.	105	Do.	270	
	1 Hindu	125—10—185—200—210	185	260—10—300	260	
	1 Sikh	Do.	Do.	Do.	270	
<i>Station Masters, Grade I</i>	1 Anglo-Indian	Do.	185	Do.	270	Had 2 years officiating service.
	1 European	Do.	185	Do.	270	
	1 Sikh	78—4—90—5—95	95	Do.	280	
<i>Inquiry Clerk</i>	1 Hindu	105—5—140	140	Do.	280	Had 2 years officiating service.

**STANDARDISATION OF CONDITIONS OF SERVICE ON STATE RAILWAYS.**

**111. Mr. Satya Narayan Sinha:** Will the Honourable Member for Railways please state whether he has considered the question of standardising conditions of services of non-gazetted staff on Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways? If not, is he now prepared to take into consideration that question?

**The Honourable Sir Thomas Stewart:** I would refer the Honourable Member to the reply given to starred question No. 275 asked by Mr. N. M. Joshi on the 17th August, 1938, in this House and to the supplementaries asked in connection with that question.

**STAFF FAILING IN VISION TEST ON STATE RAILWAYS.**

**112. Mr. Satya Narayan Sinha:** Will the Honourable Member for Railways please lay a statement on the table of staff who failed in periodical vision test during preceding three years, or as near as available, on Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways showing:

- (a) category of staff with scales of pay performing continuous duty for eight or over eight hours; and
- (b) category of staff, with scale of pay, performing intermittent duty?

**The Honourable Sir Thomas Stewart:** Government cannot undertake to secure the information asked for as statistical records are not maintained in respect of matters of this kind.

**CONTRACTS TO VEND FOOD AND DRINKS, ETC., ON THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.**

**113. Mr. Satya Narayan Sinha:** Will the Honourable Member for Railways please state:

- (a) the terms and conditions on which contracts to vend food, drinks, etc., in running trains and at stations on Shahdara-Saharanpur Light Railway were given during the preceding three years with the name of the contractor;
- (b) the prices fixed by the administration for sale of those articles to travelling public by the contractor; and
- (c) the actual prices on which those articles were sold in running train between Shahdara, Bhagpat Road, Basant, Kandhra, Shamb, Thana Bhawan Town, Rampur and Saharanpur?

**The Honourable Sir Thomas Stewart:** (a) The contractors were:

Year.	Name of contractor.	Licence fee paid per month.	Rs.
1936 and 1937	Tayla Brothers . . . . .		320
January to June 1938	Lala Hardon Singh . . . . .		331
Since July 1938	General Trading Company . . . . .		300

A copy of the agreement with the present contractor is being placed in

- (b) A copy of the tariff of charges in force up to June, 1938, and that now applicable is being placed in the Library of the House.

(c) I understand the prices actually charged prior to June, 1938, were lower than those shown in the tariff, as the latter was framed in the hope that only the best quality materials would be used. Current prices are based on the bazaar quality and price.

**RENT RECEIVED FROM THE AERATED WATER FACTORY AT THE DELHI RAILWAY STATION.**

**114. Mr. Satya Narayan Sinha:** Will the Honourable Member for Railways please state the rent rate received from the Aerated Water Factory at Delhi main station on North Western Railway?

**The Honourable Sir Thomas Stewart:** The rent received for the land and shed occupied by the factory in 1937-38 was Rs. 43-14.

**LICENCE FEES REALISED FROM STALL VENDORS AND RENT OF REFRESHMENT ROOMS ON THE NORTH WESTERN RAILWAY.**

**115. Mr. Satya Narayan Sinha:** Will the Honourable Member for Railways please state:

- (a) what licence fees have been realised from stall vendors; and
- (b) what room rent has been realised from refreshment rooms on North Western Railway during 1937-38 and up to date?

**The Honourable Sir Thomas Stewart:** On the understanding that both parts of the Honourable Member's question refer to the North Western Railway, the reply is:

- (a) no license fee is being recovered from stall vendors, except at Delhi, the position in respect to which I am explaining in my reply today to Pandit Sri Krishna Dutta Paliwal's unstarred question No. 123.
- (b) no rent is being charged for rooms utilised as refreshment rooms.

**STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE.**

**116. Mr. Satya Narayan Sinha:** Will the Honourable Member for Railways please lay on the table a list of the staff of Railway Clearing Accounts Office on 1st April, 1938, showing:

- (a) the number in each category or class;
- (b) the Railway Administrations from where they are on deputation;
- (c) the minimum and maximum period of service; and
- (d) the amount contributed by individual Railway?

**The Honourable Sir Thomas Stewart:** The list of staff of the Railway Clearing Accounts Office on the 1st April, 1938, is being printed and will be placed on the table when available. On the particular points mentioned by the Honourable Member, the following information is however furnished:

(b) All the staff transferred from various railways have been permanently absorbed in this office. None are on deputation.

	Y. M. D.
(c) Maximum service . . . . .	36 11 0
Minimum service . . . . .	1 0 29
(d) The amounts contributed by the several railways for the year 1937-38 are given below:	
	Voted. Non-voted
North Western Railway . . . . .	4,56,704 18,434
East Indian Railway . . . . .	4,58,193 18,434
Great Indian Peninsula Railway. . . . .	3,55,729 13,826
Eastern Bengal Railway . . . . .	1,77,093 6,913
Bombay, Baroda and Central India Railway . . . . .	2,81,182 .
Total . . . . .	<u>17,28,901</u> <u>57,807</u>

*Statement showing the number in each class of staff in the Railway Clearing Accounts Office on the 1st April, 1938.*

Serial No.	Class.	Number.
1 Director . . . . .		1
2 Deputy Director . . . . .		1
3 Senior Accounts Officer . . . . .		1
4 Junior Accounts Officer . . . . .		1
5 Assistant Accounts Officers . . . . .		3
6 Senior Accountants . . . . .		6
7 Junior Accountants . . . . .		11
8 Stenographer . . . . .		1
9 Subheads . . . . .		69
10 Clerks Class I . . . . .		177
11 Clerks Class II . . . . .		861
12 Routine Clerks . . . . .		113
13 Mistry . . . . .		1
14 Assistant Mistry . . . . .		1
15 Caretaker . . . . .		1
16 Assistant Caretaker . . . . .		1
17 Head Daftary . . . . .		1
18 Daftaries . . . . .		14
19 Jamadar . . . . .		1
20 Assistant Jamadars . . . . .		5
21 Peons . . . . .		51
22 Record Lifters . . . . .		6
23 Chowkidars . . . . .		8
24 Watermen . . . . .		5
25 Sweepers . . . . .		8
Total . . . . .		1,348

**APPLICABILITY OF GOVERNMENT SERVANTS' CONDUCT RULES TO STAFF ON STATE RAILWAYS.**

**117. Mr. Satya Narayan Sinha:** Will the Honourable Member for Railways please refer to the reply given to unstarred question No. 165, asked on the 8th April, 1938, and state the decision arrived at as a result of their consideration?

**The Honourable Sir Thomas Stewart:** It has been decided to issue a separate set of rules applicable to State Railway servants. The drafting of the rules is in hand and these will issue in due course.

**PAY AND ALLOWANCES OF TICKET EXAMINERS ON CERTAIN STATE RAILWAYS.**

**118. Mr. Satya Narayan Sinha:** Will the Honourable Member for Railways please refer to the reply given to starred question No. 749 asked on the 8th March, 1935, regarding the pay and allowances of Ticket Examiners on certain State Railways, and state the result of their examination of the letter from the National Federation of Railwaymen?

**The Honourable Sir Thomas Stewart:** I would refer the Honourable Member to the reply given to Qazi Muhammad Ahmad Kazmi's starred question No. 832 asked on the 26th February, 1936, in this House. Government have nothing further to add to that reply.

**SUB-LETTING OF ICE CONTRACT IN THE DELHI DIVISION, NORTH WESTERN RAILWAY.**

**119. Mr. Satya Narayan Sinha:** Will the Honourable Member for Railways please refer to the reply given to starred question No. 587, asked on 2nd March, 1938, and state whether it is a fact that the ice contract has been sublet during 1937 and 1938 in Delhi Division?

**The Honourable Sir Thomas Stewart:** The General Manager, North Western Railway, states that there is no reason to believe that the contract referred to was sub-let.

**COMPLAINTS AGAINST THE CONTRACTOR FOR AERATED WATER AND ICE IN THE DELHI DIVISION, NORTH WESTERN RAILWAY.**

**120. Mr. Satya Narayan Sinha:** Will the Honourable Member for Railways please refer to the reply given to starred question No. 88, asked on the 28th August, 1933, and state:

- (a) the professional qualifications of the contractor for aerated water and ice in Delhi Division, North Western Railway, during 1937 and 1938;
- (b) what are the other contracts he has been holding during 1937 and 1938 and what are his professional qualifications in respect of each contract;
- (c) the nature and number of complaints received against him; and
- (d) the contracts he has sub-let?

**The Honourable Sir Thomas Stewart:** (a) and (b) He is a businessman of long standing with eleven years vending experience on the North Western Railway. He has been manufacturing and dealing in aerated

waters long before the ice and aerated water contract was given to him. The other contracts he has at Delhi are for vending fruits, betels, *chabina*, *punkhas* and *smahis*.

(e) Such complaints as have been made were found on enquiry to be either frivolous or not substantiated. In the register for complaints that is maintained, there is, therefore, no entry recorded against him.

(d) The Administration is not aware of any proved case of sub-letting

#### ACTIVITIES OF THE CONCILIATION OFFICER AT CALCUTTA.

**121. Mr. Satya Narayan Sinha:** Will the Honourable Member for Railways please state the activities of the Conciliation Officer at Calcutta for the period of its assumption of duties to date together with the total expenditure incurred during that period?

**The Honourable Sir Thomas Stewart:** This question should have been addressed to my colleague, the Honourable Member for Commerce and Labour Departments.

#### REVENUE DERIVED FROM RENTS AND LICENCE FEES, ETC., ON STATE RAILWAYS.

**122. Pandit Sri Krishna Dutta Paliwal:** Will the Honourable Member for Railways please refer to paragraph 11 on page 5 of the Report by the Railway Board on Indian Railways for 1936-37, Volume I, and lay on the table a statement showing the revenue derived from (i) rent for refreshment rooms, (ii) rent for other premises, (iii) auction of salesman's contracts, and (iv) licence fees charged from stall-holders from 1st November, 1936, to 31st October, 1938, by the Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways, respectively, and, if no revenue has been derived, to state the reasons therefor?

**The Honourable Sir Thomas Stewart:** I am calling for the information required and will place a reply on the table of the House when it is received.

#### REVENUE DERIVED FROM RENTS AND LICENCE FEES AT CERTAIN STATIONS ON THE NORTH WESTERN RAILWAY.

**123. Pandit Sri Krishna Dutta Paliwal:** Will the Honourable Member for Railways please refer to paragraph 11 on page 5 of the Report by the Railway Board on Indian Railways for 1936-37, Volume I, and lay on the table a statement showing the revenue derived from 1st November, 1936, to 31st October, 1938, on account of:

- (a) the rent for each refreshment room at Delhi, Saharanpur, Ambala, Ludhiana, Amritsar and Lahore; and if no rent is charged from those refreshment rooms, the reasons therefor;
- (b) the rent for the premises given to Ice and Aerated Water Contractors at Delhi, Ghaziabad, Kalka, Meerut, Saharanpur, Ambala, Ludhiana, Jullundur, Amritsar, Lahore, Ferozepore, Bhatinda, Jind, Rohtak, both for factory and stalls respectively and, if

- (c) the licence fees charged from stall-holders at Delhi, Ghaziabad, Saharanpur, Ambala, Ludhiana, Jullundur, Amritsar, Lahore, Ferozopore, Bhatinda, Jind and Rohtak, and, if no licence fee has been charged, the reasons therefor?

**The Honourable Sir Thomas Stewart:** (a) No rent is charged for refreshment rooms, as it is not the policy of the North Western Railway Administration to make a charge for such rooms.

(b) Land for a factory has been given only at Delhi, the rent charged being Rs. 88-6-0.

The rent charged for stalls has been as follows

	Rs. A.		Rs.
Delhi	279 4	Ambala Cantt.	29
Ghaziabad	30 2	Ferozepore	1
Kalka	36 10		p. m. per stall.
Meerut Cantt.	14 0	Bhatinda	11
Meerut City	4 0	Jind	31
Saharanpur	32 4	Rohtak	1

Particulars relating to the stalls at Ludhiana, Jullundur Cantt., Jullundur City, Amritsar and Lahore are not available at present.

(c) I would refer the Honourable Member to the reply given today to Mr. Satya Narayan Sinha's unstarred question No. 115. It is not the policy of the Railway Administration to recover license fees from stall holders. At Delhi, however, the contract for the Hindu refreshment room the Hindu sweetmeats and tea stalls was put to tender and the amount accepted for the combined contract was Rs. 7,025 per annum from the 15th February, 1937. No necessity has yet arisen for determining what proportion of this amount may be attributed to the license for stalls.

#### PROFESSIONAL QUALIFICATIONS OF CONTRACTORS AT CERTAIN STATIONS ON THE NORTH WESTERN RAILWAY.

**124. Pandit Sri Krishna Dutta Paliwal:** Will the Honourable Member for Railways please refer to paragraph 11 on page 6 of the Report by the Railway Board on Indian Railways for 1936-37, Volume I, and state the professional qualifications of the contractors for vending and refreshment rooms and ice and cratered water supply at Delhi, Ghaziabad, Saharanpur, Amritsar and Lahore on North Western Railway and also state whether these contracts were advertised? If so, which are the papers which advertised them?

**The Honourable Sir Thomas Stewart:** The compilation of the particulars required relate to about fifty contractors, some of whom have been holding their contracts for periods varying from 10 to 23 years, and will involve a considerable amount of labour incommensurate with any use to which the information could be put.

#### STENOGRAPHERS ON THE EAST INDIAN RAILWAY.

**125. Mr. D. K. Lahiri Chaudhury:** Will the Honourable Member for Railways please state:

- (a) the number of posts and scales of pay in each class of stenographers on the East Indian Railway;  
 (b) whether any special pay is attached to those posts; if so, what

- (c) how seniority is reckoned amongst them;
- (d) the reasons for supersession by those appointed in 1938 o  
those senior to them; and
- (e) whether he will lay on the table Deputy General Manager (F  
sonnel) Circular No. C/FS/257 B, dated the 3rd June 19

**The Honourable Sir Thomas Stewart:** (a) I lay on the table a statement giving the information required.

(b) A special pay of Rs. 20 per mensem is given to each of the six stenographers working for the General Manager and principal heads of departments except to those drawing special (old) scales of pay.

(c) Seniority in the lowest grade is reckoned from the date of confirmation and in the higher grades from the date of promotion.

(d) If the Honourable Member will give particulars of the supersessions referred to by him, I shall look into the cases.

(e) There is no such circular.

*Statement showing the number of posts and scales of pay of stenographers on the E. I. Rail-*

Lower grade	Rs. 90—5—150 (revised 1931).
	Rs. 100—10/2—120 (revised 1934).
Higher grade	Rs. 180—10—220 (revised 1931).
	Rs. 200, 180, 160 (revised 1934).

NOTE.—Individuals who were in service before 1931 and did not elect the revised grades issued in that year continue to draw pay on their old grades.

The sanctioned posts of stenographers are :—

	Higher grade.	Lower gr
Head Quartor Offices . . . . .	14	27
Howrah Division . . . . .	1	5
Asansol Division . . . . .	1	7
Dinapore Division . . . . .	1	3
Allahabad Division . . . . .	1	3
Lucknow Division . . . . .	1	2
Moradabad Division . . . . .	1	2
Jamalpur Workshops . . . . .	..	5
Lucknow Workshops . . . . .	..	4
Lillooah Workshops . . . . .	1	2
Tatanagar Workshops . . . . .	..	1
Lucknow Electric Shops . . . . .	..	1
Dhanbad Electric Shops . . . . .	..	1
Lillooah Electric Shops . . . . .	..	1
Howrah Stores Depot . . . . .	..	1
Lillooah Stores Depot . . . . .	..	2
Jamalpur Stores Depot . . . . .	..	1
Lucknow Stores Depot . . . . .	..	1

**RECOGNITION OF THE ALL-INDIA RAILWAY MECHANICAL WORKERS' FED: UNION.**

**126. Sardar Sant Singh:** (a) With reference to starred question No. by Mr. Satyamurti, replied on the 16th September, 1938, will the Honorable the Railway Member please state whether Government are aware the name of the Union is not All-India Mechanical Workers' Federal U

(b) Are Government aware that this Union only caters for Railway Workshop employees and not outsiders?

(c) Are Government aware that this Union applied to the Railway Board and then to the General Manager, North Western Railway, for its recognition through its President, Mr. Lalchand Navalrai?

(d) Are Government also aware that negotiations are still going on with the General Manager, North Western Railway?

(e) Does the Honourable Member propose to call upon the General Manager, North Western Railway, to recognise this Union in the interest of the workers?

**The Honourable Sir Thomas Stewart:** With your permission, Sir, I propose to reply to unstarred questions Nos. 126 and 127 together.

I am obtaining information and will lay a reply on the table of the House in due course.

#### TOMBS AND MOSQUES, ETC., IN THE RESTRICTED RAILWAY AREA.

**+127. Sardar Sant Singh:** (a) Will the Honourable the Railway Member please state whether Government are aware that within the Restricted Railway Area there are old tombs and mazars of Muslim Kings, which have also been fenced?

(b) Are Government aware that there is a mosque within this Restricted Area where Muslims offer prayers?

(c) Has the Railway any objection regarding the trade union leaders offering prayers in this mosque?

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#### STATEMENT RE DRAFT CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE 21ST AND 22ND (MARITIME) SESSIONS OF THE INTERNATIONAL LABOUR CONFERENCE.

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour): Sir, I beg to lay on the table a copy 12 NOON. of a statement regarding Draft Conventions and Recommendations adopted by the 21st and 22nd (Maritime) Sessions of the International Labour Conference.

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The following statement supplements the information contained in the statement laid on the table of the Legislative Assembly/Council of State on the 1st/2nd October, 1937, in regard to the course which the Government propose to follow in respect of the Draft Conventions and Recommendations adopted by the 21st (Maritime) Session of the International Labour Conference:—

*J. Draft Convention concerning the liability of the shipowner in case of sickness, injury or death of seamen.*

This Convention seeks to define the nature and extent of the liability of a shipowner to provide assistance to the seamen employed by him in case of sickness, injury, etc. A close examination of the Convention has revealed that the Indian Merchant Shipping law already provides for the principal requirements of the Convention, except in the case of Articles 4 and 5. The main difference, so far as Article 4 is concerned, is that whilst laying down the general principle that a shipowner is liable to provide medical assistance until the sick or injured seaman is cured or until the sickness or incapacity is declared to be of a permanent character, the Convention limits the duration of the shipowner's liability to a period of not less than 16 weeks from the

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date of commencement of the illness. The Indian Merchant Shipping Act, on the other hand, makes no reference to any specific period, but makes the shipowner responsible for providing assistance as long as the seaman remains on board or is in a foreign country. After careful consideration of the relative merits of the two sets of provisions the Government of India are of the opinion that, on the whole, the existing law affords better protection to the seaman than the limited assistance provided in the Convention for a period of 16 weeks, at the end of which he may still find himself ill in a foreign country without any means of support. Similarly in regard to the shipowner's liability to pay wages to sick or injured seamen, dealt with in Article 5 of the Convention there are important differences between the provisions of the Indian Merchant Shipping Act, which are based on those of the British Merchant Shipping Acts, and the requirements of the Convention. The Government of India are in sympathy with the principle laid down in the Article, but cannot ignore the consideration that, in view of the decision of His Majesty's Government in the United Kingdom not to amend the relevant provisions of the British Acts, a modification of the Indian Merchant Shipping Act would only benefit a limited number of Indian seamen, the majority of whom are employed on ships registered in the United Kingdom. In these circumstances, the Government of India have come to the conclusion that the Convention cannot be ratified by India at present.

#### *II. Draft Convention concerning sickness insurance for seamen*

This Convention is designed to introduce an extensive system of compulsory insurance for seamen, providing for cash benefits as well as benefits in kind. After an examination of the terms of the Convention the Government of India are of the opinion that the institution of a compulsory system of insurance in India applicable to all classes of seamen covered by the Convention and providing for the grant of the different forms of benefits contemplated therein cannot be undertaken except as part of a comprehensive scheme catering for all classes of labourers. Further, in view of the fact that a large number of Indian seamen are illiterate a compulsory system of insurance is not likely to receive general support, and the Government of India have accordingly come to the conclusion that the Convention cannot be ratified. They are, however, in full sympathy with the object underlying the Convention, and they propose to explore, in consultation with the interests concerned, the possibility of introducing, as an initial measure, a small scheme of health insurance providing for limited benefits to Indian seamen.

#### *III. Draft Convention concerning the minimum requirement of professional capacity for Masters and Officers on board merchant ship.*

The most important provision in this Convention is Article 3, which requires that all officers, both executive and engineer, in charge of a watch on board a merchant ship shall be certificated officers. The general principle underlying this Article is one which must command sympathy, but its practical application in India presents numerous difficulties. As any extension of the hours of work of certificated officers on board ship must clearly be avoided, effect can be given to the provisions of the Article only by means of an amendment of the Indian Merchant Shipping Act providing for an increase in the number of certificated officers to be carried in merchant vessels. Indian opinion, however, is opposed to any such increase, because of the scarcity of Indians in possession of certificates of competency. Further, there is a large number of ships registered in the United Kingdom which trade in Indian waters and the Convention will not apply to such ships unless His Majesty's Government in the United Kingdom choose to ratify it. The Government of India, however, understand that His Majesty's Government do not propose to ratify the Convention for the present, and in the circumstances, its adoption by India would result in setting up different conditions on board those ships and Indian registered ships operating in the same waters. The Government of India do not, therefore, propose to ratify the Convention or to take any action on its provisions.

#### *IV. Recommendation concerning the promotion of seamen's welfare in ports.*

The Government of India are in agreement with the principles underlying the various provisions of the Recommendation, but the views expressed by the Maritime Provincial Governments, Port Authorities, shipping companies, etc., have led them to the conclusion that, in present circumstances, it is not practicable to give effect to all the suggestions contained in the Recommendation. They understand, however, that the requirements of paragraphs 3, 4, 5, 6, 8 and 10 (b) are already generally com-

plied with at Indian ports, and they consider that no immediate or specific action of their part is necessary in respect of paragraphs 2 and 13. As regards paragraphs 7 and 9, there are at present several institutions and the charge of local bodies performing useful work at all important ports, and these receive annual grants from the Sunday Fees Fund. The Government of India are alive to the fact that these arrangements do not go far enough but they are for financial reasons unable to take any further action in the direction indicated. Paragraphs 7, 11 and 12 call for administrative action in regard to the furthering of propaganda among seamen, but the Government of India consider that the necessary publicity work is more appropriately undertaken by private bodies interested in seamen's welfare than by them. As regards paragraph 10(a), they are satisfied that there is at present no real demand from Indian seamen for the provision of a system of seamen's money orders, and they do not propose to take any action on the suggestion for the present.

**Mr. N. M. Joshi** (Nominated Non-Official): May I ask, Sir, whether the statement will be circulated to Members?

**The Honourable Sir Mohammad Zafrullah Khan:** It is laid on the table and is available to Members.

**Mr. President** (The Honourable Sir Abdur Rahim): Any Honourable Member can refer to it if he wants.

#### THE INDIAN INCOME-TAX (AMENDMENT) BILL--contd.

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Bill further to amend the Indian Income-tax Act, 1922, as reported by the Select Committee. The Bill will now be discussed clause by clause. The Chair understands that it is the desire of Members generally that the discussion should begin with clause 4. Clause 2 is the definition clause, and, in a Bill of this character, perhaps that will be more convenient till the other clauses are disposed of. Clause 3, the Chair understands, to some extent depends on the decision on clause 4. The House will now go on with clause 4. The question is:

"That clause 4 stand part of the Bill."

**Mr. B. Das** (Orissa Division: Non-Muhammadan): Sir, I beg to move:  
"That clause 4 of the Bill be omitted."

Sir, circumstances have not changed since 1932, nor has the speech of the Honourable the Finance Member shown that there are any grounds for any new changes in the principles of the Income-tax Bill. So the substance of clause 4 cannot be accepted by this House. We take it, and as my Honorable friend, Sir Cowasji Jehangir, demonstrated by his speech of quotations, the system of taxation on an accrual basis will put a great handicap on Indian traders abroad. The Honourable the Finance Member may tax us, but he should not suck the lemon dry, and if there is no lemon left, he will not be able to suck it any further, and I think that is what he is trying to do. In one of his remarkable inspirations, the Finance Member said that the rich in India take advantage by sheltering themselves behind the poor. That was a surprising statement. The poor and rich are both Indians, and they have to live in this country together. But what about the Honourable the Finance Member himself taking shelter behind the Governor General? The Governor General has allowed him

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to introduce this clause 4 whereby certain discriminatory provision has been made, but when Honourable Members on this side of the House and also on the other side have tabled amendments to the clause, the Governor General in his discretion has ruled them out. So my Honourable friend is taking shelter behind the Governor General. Those of us who are old Members of this Assembly never thought that the Governor General would use his discretion to such an extent as has been exercised now—of course, that is done with the advice of the Honourable the Finance Member. That shows what kind of Federation is coming to this country and how Federation will work!

I do not desire to go into detail as to why we oppose taxation on accrual basis. This has already been dealt with in detail by various speakers, and I hope that when Members rise to speak on this motion, particularly my Honourable friends of the European Group, they will bear in mind the speeches that their predecessors, great giants and friends of India and friends of Britain too, made. I hope they will bear that in mind and that they will support the amendment which I have just moved.

**Mr. President** (The Honourable Sir Abdur Rahim): Amendment moved.

"That clause 4 of the Bill be omitted."

**Mr. A. Alkman** (Bengal: European): Mr. President, during the general discussion on this Bill, we have all heard a great deal about the subject matter of the amendment now before the House; we have heard on the one hand vehement denunciations of the whole principle of the accrual basis embodying as it does the extension of the basis of taxation, and on the other hand we have heard a defence of the accrual basis by my Honourable friend, the Finance Member.

Unfortunately I have not been able to listen to all that was said for and against this principle, but I have listened to a very great deal of what was said. Moreover, I have read with the greatest care the speech of my Honourable friend, the Leader of the Opposition, and I have also read equally carefully all the arguments available to me that have been advanced for and against the principle of the accrual basis and the arguments also that have been advanced for and against the proviso to clause 4(a) of the Bill.

Now, Sir, my Honourable friend, the Finance Member, in the speech in which he wound up the general discussion repeated what we have heard from him before, namely, that he has heard of and read about a great deal of propaganda against this Bill. Though it may not be strictly relevant to the amendment now before the House, I hope Honourable Members will bear with me if for a moment I restate the principles of the Bill with particular reference to the accrual basis—that is to say, the subject under discussion. The Bill, as I understand it and as my colleagues understand it, sets out to do three things:

- (a) It is designed to strengthen and improve the administration of the Income-tax Department so as to enable the Department the more effectively to deal with illegal evasion —

taxation—I have neither seen nor heard of any propaganda against this purpose of the Bill, moreover I am fully convinced after my experience in the Select Committee and after hearing the speeches that have been delivered in this House, that there is not a single Honourable Member present, to whatsoever Party he may belong, who does not share with Government the desire to improve and strengthen the administration of the Income-tax Department.

- (b) The second purpose of this Bill is to close a number of loop holes or defects, as I should prefer to call them, in the existing law whereby many wealthy persons have been able so to arrange their affairs that they have avoided paying as much income-tax as it was intended or contemplated that they should pay—I have neither seen nor heard of any propaganda against this provision of this Bill. Moreover, here, again, I feel certain that I am voicing the opinion of all sections of this House that it is desirable that the Income-tax law of this country should be so amended now, under this very Bill, as to remedy this state of affairs.
- (c) The third main provision of this Act relates to the clause now under discussion whereby the Government seek to extend the scope of taxation. To this proposal exception has been taken by Members representative of the Congress Party, the Congress National Party and the Muslim League. This provision has also been opposed not only by what my Honourable friend, the Finance Member, calls "Indian big business" but by numerous smaller Indian businessmen as well. Moreover, important constituents of members of my Group have likewise expressed the view that the existing remittance basis should remain. So far as our constituents are concerned—and I have no doubt, so far as the constituents of other Honourable Members are concerned,—the views so expressed have been perfectly honest expressions of opinion which they are perfectly entitled to hold.

As a member of the Select Committee who supported the Honourable the Finance Member in his proposal to extend the scope of Income-tax in the manner suggested, I must frankly say that I believe there are good reasons that they may be advanced in support of the accrual basis. According to my Honourable friend, the Finance Member, these reasons are stronger than any reasons that may be advanced against this proposal. According to other Honourable Members, the reverse is true. Let us frankly recognise that there is room for a perfectly honest difference of opinion in this matter.

So far as my Group is concerned, the position is complicated further by the fact that the second proviso to clause 4(a) places our community in this country on the same footing as Indians, resident but not domiciled in the United Kingdom, are placed in that country and as casual visitors to British India are placed here.

It can be argued and my Honourable friend, the Finance Member, has argued, that while there may be differentiation, there is no unfair discrimination in this proviso. On the other hand, my Honourable friend,

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The Leader of the Opposition, and other speakers have all maintained that this proviso does unfairly discriminate in favour of the European community, and as such is an unjust proviso and one that all three Parties on my right have openly declared to be unacceptable to them.

My Honourable friend, Mr. Chambers, in a very able maiden speech has explained to the House wherein lie the differences between the provisions of clauses 4 and 5 of this Bill and the provisions contained in the U. K. Finance Act. His obvious sincerity, his unrivalled grasp of the facts of the case and his method of presentation have, I hope, dispelled, at any rate in the minds of some Honourable Members, any doubts they may have had regarding the allegations of unfair discrimination. Nevertheless, my Group, after the most careful consideration, recognize unanimously that whatever the facts may be, Honourable Members in other parts of the House feel—sincerely feel—preferential treatment for the European community is there, and it is apparent that Parties on my right cannot in any circumstances agree to such preferential treatment being given.

In view of that, therefore, we take up the attitude which was so clearly stated by Mr. Heathcote, representing the Associated Chambers of Commerce, on 9th September, 1937. Let me read his words:

"Dealing with the Bill itself and particularly with clause 4(c), which is the clause which allows the resident who is not domiciled in India to avoid the effect of this Bill, I think, that it may assist matters if I try to make our position clear. If it had been the opinion of Members on the other side of the House that this Bill should be made law as it stands, British trading interests in India would not have refused benefits which would thereby accrue to them. But in the very difficult times through which we are passing, we have decided that we would not support the Government in forcing this clause through, if there was a clear feeling on the other side that with this discrimination it should not be passed. Having said that, I think I am possibly entitled to clear up some of the misapprehensions which seem to rest with the other side of the House. The British are referred to as the only people or mainly the only people who will obtain a benefit from this Bill. That is by no means the case. There are large trading sections in India who come from Indian States. As an example, I may refer to Marwaris. Unless I am mistaken again, they will secure exactly the same benefits in the matter of avoiding taxation as the British. There are others in India, such as the Armenians and the Japanese. They also will avoid taxation if British interests avoid it. So, possibly, it is a little unfortunate that the only people who are supposed to benefit from this Bill are the British. There is, at least, an argument of some sort which justified discrimination. There are many people who come out to India from England with private means. Those private means arose without any connection with India at all; and there might be some truth in the general statement that the class with private means is the class which it will be best for India to attract from England. But if they are to be taxed on their private means—not only on the means themselves, but so as to be rated at a higher rate of income-tax by the inclusion of these private means—then certainly there will be greater difficulties in obtaining the right type of people from England to serve India. There is at least a section of Britishers in India to be found in the Army where private means is common among the officers, and it is not unlikely that the effect of the removal of this discrimination would be to make them pay in income-tax more than the salaries which they earn in India. If it were possible to devise a plan which differentiated between an income arising to a resident who is not domiciled in India and which had no connection with India and an income which accrued to a resident who is not domiciled in India and which had accrued to him from connection with India, then I feel that many Honourable Members on the other side of the House would be only too glad to give us the benefit of such discrimination. However, as the Government have clearly agreed to withdraw the discriminatory clause, should the Bill get as far as the Select Committee, there is no need for much more to be said with regard to discrimination."

That was our position then: that is our position today. Now, Sir, my Honourable friend, the Finance Member, has told us all, fairly clearly, that if he loses clauses 4 and 5 of the Bill, he is not prepared to proceed further with it. I trust he will reconsider his words. I hope he will come to see that it is given to few of us in this world to obtain all that we want. This is especially true in politics, and more particularly is it true of the circumstances in which we find ourselves today in which the executive Government, not responsible to the Legislature, finds itself in a position where it is impossible for it to command a certain majority of the House and where in normal cases it is forced inevitably to compromise in the hope that by so doing it may secure at least two-thirds of the cake.

I appeal, therefore, to the Finance Member to withdraw his suggestion that if clause 4 is interfered with, he will not proceed with the Bill. I appeal to him to go on with this Bill. After all, as I have tried to show in the earlier part of my speech, it contains provisions which all of us are agreed are in principle desirable. I feel sure that if he will only listen to this appeal, he will have no reason to regret his decision. On the contrary, he will show that he recognises that it would be a great misfortune if all the work put in by the Income-tax Enquiry Committee and by Members of this House were to be thrown away and a large amount of public money wasted unnecessarily. If I may digress for a moment, Sir, I should like to take this opportunity to say how much every one of us who has seen Mr. Chambers at work appreciates what he has done and what he has tried to do just as on an earlier occasion I complimented my Honourable friend, the Leader of the Opposition, on the constructive work he personally did in Select Committee.

My Honourable friend, Mr. Jinnah, and the Party he has the honour to lead have also shown us that he and his followers are anxious to remedy the undoubted injustices that exist today under the present Income-tax law and a method of its administration.

My Honourable friend, Mr. Jinnah, and his party's representatives on the Select Committee have shown very clearly both when they voted for the reference of the Bill to the Select Committee and by their attitude during the Select Committee that they feel there is much that is good in the Bill.

That, Sir, is my appeal to the Honourable the Finance Member and to this House. We in this Group have endeavoured to the best of our ability to play a constructive part in this as in other important measures. We have endeavoured to do what we sincerely believe to be in the interests of India though like Honourable Members of all other sections of the House we have naturally endeavoured to safeguard the interests which we have been elected to represent.

Shortly, the House will have to vote upon the amendment we are now debating. The effect of this amendment, if it is carried, will be that the existing provisions of Indian Income-tax Law in regard to taxation of income that accrues or arises out of British India will remain. Such income, therefore, will only be taxed in British India so far as it is brought into the country.

The alternative is that if this amendment is defeated, we accept a new principle that extends the scope of British Indian Income-tax so as to include income wherever it arises if such income belongs to a resident and domiciled citizen and linked to that we accept the differentiation provided

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for in the second proviso whereby income arising out of British India to residents who are not domiciled is to a certain extent excluded from the scope of the new principle.

My Group, having considered the matter from all points of view and with full regard to the importance of their decision, have decided that they have no alternative but to support the amendment now before the House

**Dr. P. N. Banerjea** (Calcutta Suburbs: Non-Muhammadian Urban): Sir, I rise to support the amendment which has been just moved. During the general discussion on the Income-tax Amendment Bill, speaker after speaker made their views clear with regard to this clause of the Bill. There were very few dissentient voices heard in this regard. It was urged by all that if foreign income of Indians was subjected to taxation on the accrual basis, a great hardship would arise and foreign enterprise would be greatly hit. There was another objection raised against the principle of discrimination contained in the proviso to clause (b). With regard to this question, many of us asked for the sanction of the Governor General but the Governor General has been pleased to refuse his sanction. In this connection I must express my hearty appreciation of the good-will which has been shown by the European Group. I hope this will be the beginning of a new era of better relations between the European community and all the Indian communities inhabiting this great country. Every commercial body—the Federation of Indian Chambers of Commerce and Industry, the Bengal National Chamber of Commerce, the Indian Chamber of Commerce, the Bombay Merchants' Association, and even the Bengal Chamber of Commerce have all with one voice condemned this proposal. I have, therefore, very little to add to what has been said. I heartily support this amendment.

**Mr. Lalchand Navalrai** (Sind. Non-Muhammadian Rural): Sir, I will not take more than two minutes. I heartily support this amendment. I have already fully discussed the points against this clause 4 and I do not feel called upon to say anything more than what has been said before. The consensus of opinion on this side and on the side of the European Group is against this clause very rightly and justly. The second thing is that I have not heard any substantial reply to the several points that were raised against this clause 4, from the Honourable the Finance Member. He only wanted to persist in the enactment of this clause against all odds. He wished that because this clause was once thrown out before, he should try to take the credit for it. I wish he had it but I don't think he will be able to get it. I have nothing more to say.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division: Non-Muhammadian Rural): During the course of the general discussion on the Report of the Select Committee, I attempted to place before the House the considerations which appealed to me and which I wanted the House to consider arising out of the new source of taxation which is incorporated in clause 4. I am mindful of the fact that a substantially similar provision was brought before this House some years ago when I was not in the House. Reference has been made to the details of that discussion and at the stage at which the matter was then being discussed. I did not feel justified in taking up a definite position as to what extent the whole or any part of this clause could remain

as a part of the additional taxation of this country. Since then, my Honourable friend, Mr. Aney, has pointed out that the ground on which those who voted in 1931 was this,—that while they were prepared to tolerate the amount of taxation and the source which was proposed to be tapped, while the irresponsible Centre continued, they were not prepared to add and hand over to them any further sources of taxation. I confess it is by itself a very solid argument to opposition to this matter. In addition to that, I also pointed out the actual practical difficulties to which I have heard no answer with reference to this head of taxation, should it become law at all.

The first and foremost to which I have heard no answer is the separation of Burma which at all events this country always opposed and for a very good reason, apart from anything more, that the whole of the cost of the annexation of Burma and everything antecedent thereto has been borne by India. We were prepared to continue as one unit and entity for more reasons than merely the fact that we belong to the eastern part of the hemisphere. That accident of separation has also raised problems which it would be difficult to solve. My Honourable friend, the Finance Member has not replied and could not reply to the question that income which was not taxable under those Acts would now become taxable in so far as it was derived from agriculture in Burma. The other difficulties arise also from the exchange restrictions in many countries with which our traders carry on their business. Added to all that, there is a matter which I referred to on which I would like to say a word,—viz., that while there is undoubtedly a justification or there may be, from the point of view of the Britisher to pay taxes on incomes which arise abroad so far as he is concerned, the Government of India, either by reason of their helpless position as a subordinate Government, has never been able to extend anything like adequate protection, let alone encouragement, to Indian business abroad. We are fully aware of many Resolutions passed by this House beginning with South Africa and ending with many other parts of the world where Indian nationals are, under conditions of humiliation and difficulty, carrying on their respective businesses. In Kenya, there is a broad distinction between lands reserved for whites and for the non-whites, and there are many other parts of the world where this Government, notwithstanding all its intentions, have been able to extend but little protection, let alone encouragement as I said, to the Indians carrying on business abroad. It would be, therefore, unjust, if you weigh all these circumstances, that we should, unless circumstances improve, add this source of taxation. I am not referring any more to the proviso to which my Honourable friend, Mr. Aikman, has given what you may call a graceful exit. I am glad of the spirit that ran through his speech, which recognizes that the protection of any interest in India should be less sought in future through the machinery of pressure, through the machinery of constitutional safeguards, but more and more resort must be had to reconciliation and understanding,—that everybody who earns his bread in this land—it may be bread, butter and jam for some and only one meal for others—should be considered. Under these circumstances, we feel and my colleagues also feel and I am glad that my Honourable friend, Mr. Jinnah, also feels that it is difficult to support and hand over this new source of taxation, hedged with all these difficulties and the considerations which I have put forward.

But there is one word more that I want to say with reference to what fell from my Honourable friend, the Finance Member. He told us, roundly as it was said, that in the event of clause 4 being omitted, or mangled as

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he called it, he might consider it his duty to withdraw this Bill. Whether it lies entirely in his hands in a constitutional sense or not, I do not propose to discuss at this stage, but I do say this, that reading his speeches on the three occasions on which he spoke in this House, he could not possibly ignore and forget that, so far his calculations went, the benefits in the rest of the Bill are there even arithmetically and integrally larger than this single clause 4, and I wonder how, as a servant of the Indian State—by which term I do not mean it in the formal sense in which an Indian State is used—how as a servant of the Government of India considering himself as a servant of the people, he can seriously say that, because I cannot get all the financial benefits I want, therefore I shall, in a sort of luff or protest, withdraw all the other provisions, which he conscientiously feels are capable of doing so much good, in the Bill, and not merely that, but he told us that his method of taxation in future would relieve the poor man as against the rich. What answer could he have to withdrawing that so far as the sense of justice is concerned? And I think my Honourable friend would also revise his attitude as if he was a benefactor in this House. He is a colleague, and it is not as if he can say, "I offer you this, either take it or leave it". That is an attitude which even they should not adopt during the remaining period of their very short-lived existence. They must quite recognize that it cannot be an attitude of saying, "I have brought the Bill, I am the dominant partner, I wish to withdraw, if you do not agree". I do not think that is a proper attitude or a helpful attitude and I am sure you will recognize that if the other parts of the Bill contain elements by way of extracting more from the unwilling or the dishonest, he ought not to throw them away. If there is anything in the Bill, as there is by way of relief to the poorer taxpayers, he must not reject that, by way of greater justice or by way of a tribunal at all events to redress grievances which are legitimately entertained by a large number of assessees, he must take it. In other words, it would be an entire error of judgment to say that, in the language of my Honourable friend, Mr. Aikman, "because I cannot get all, I will take none". This is a piece of legislation which at all events in the large part of the Bill which remains is bound to be useful. I hope, therefore, our action tending towards some possible privation on his part in respect of his pet theory would not lead him to persist in his determination, and I have no doubt myself that when he reconsiders the benefits which remain, he will continue with the Bill.

**Mr. M. A. Jinnah** (Bombay City : Muslimmadden Urban). Sir, we have been giving our very careful consideration to this clause 4 and we find that there are innumerable difficulties in our way in supporting this clause 4 of the Bill. The first and the foremost question that we considered was whether this principle of accrual basis, instead of the remittance basis which exists under the present law, is a principle that we should endorse,—whether it should be accepted in the interests of India, or whether it might not be detrimental to the interests of India, situated as we are. We revolved that in our minds and we thought and thought over the matter, and we found that it might work an enormous amount of hardship and injustice in many cases. Sir, the object of the Honourable the Finance Member in substituting the accrual basis for the remittance basis was to create a new source of revenue. First and foremost, there are thousands and thousands

of small traders who would have been penalized in various ways, handicapped, and harassed if this clause and the machinery set up in this Bill had been passed. Therefore, on principle, we had very great difficulty in readily accepting clause 4. But if some method could have been found by some adjustment, we were still prepared to re-examine that principle in the light of substantial modifications of this Bill.

Then, this Bill will create a situation which cannot be disputed, if we take clauses 4 and 5 together, and which will undoubtedly be a preferential treatment so far as the non-domesticated Europeans are concerned. We considered that point very carefully. Mr. Aikman said that there may be a difference of opinion whether this clause 4 together with clause 5 would mean a preferential treatment to the Europeans or not. I do not think there is any doubt of any kind about it, because there is not the slightest doubt in my mind at least—and I have examined it very carefully—that clauses 4 and 5 together undoubtedly give a *de-facto* exemption to the Europeans. Then, what are we to do now with this clause 4? There are many other difficulties, the details of which I need not go into, partly because the Leader of the Opposition, my Honourable friend, Mr. Desai, has already narrated them. Sir, taking all these matters into consideration, we have definitely come to the conclusion that it is not possible for us to give our support to this clause as it stands now. It is true that there is, and to that extent I entirely sympathise with the Finance Member, a very select number of our countrymen who could be counted on finger's— I should say about 25 or 30 of them—who are undoubtedly taking the utmost advantage of escaping the tax, which they might legitimately be called upon to pay. I have no doubt in my mind, as far as I have been able to apply my mind, that the Finance Member, if he can catch these 25 or 30 persons, will be able to get a very substantial amount of revenue. But in order to catch them, we have got a very complicated and difficult measure which is almost intended to strike heavily a very large body of our countrymen abroad who do not get adequate protection or the encouragement of the Government of India, who have difficulties in the way of exchange restrictions of taking out money from certain countries and who would be obliged to send their returns and are likely to be harassed and put to a great deal of difficulties and trouble. If in order to try and catch a small number, a machinery of this kind is to be set up with a discrimination and preferential treatment to non-British Indians, then it is a position which it is very difficult for this House to accept. I quite understand the Finance Member or the Government of India saying, "We were trying to tax or, if you like, to catch those who are best able to bear the burden and who ought to make a proper contribution to the revenue; and, if you do not accept this, of course the money will have to be taken from somewhere else, because the Government must be carried on, and probably the result of it would be that the burden will fall upon those who deserve least of such an imposition of burden upon them." Sir, that may be regretted, but it cannot be helped. Taking everything into consideration, the pros and the cons, the advantages and the disadvantages, we have definitely come to the conclusion that it is not possible for us to support clause 4 as it stands in the present Bill. Therefore, my Party is unable to give its support.

**The Honourable Sir James Grigg** (Finance Member): Sir, I think it is necessary to clear the issues before the House comes to a decision. The

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original line taken by the Congress Party—certainly by their Press—was that they could not possibly support this clause because it discriminated in favour of Europeans. That objection appeared in the speech of the Leader of the Muslim League Party and I want to dispose of that. The European Group have also come to the conclusion that they do not want discrimination in their favour and, therefore, in order to avoid that discrimination, they ask that Indian millionaires should be let off as well as themselves. That is their method of avoiding discrimination. The Congress Party, which has made so much of this discrimination, is now rather piping down on that note and it is talking about the hardship to Indian traders abroad including the millionaire who places a large part of his fortune abroad. The discrimination issue appeared in Mr. Jinnah's remarks. As far as Mr. Jinnah's remarks were concerned about the hardship to the small trader, I believe that they are susceptible of being met to a very large extent.

Now, let us come to the discrimination issue and I want to test the *bona fides* of the House on that. During my last speech on this subject I mentioned several absurd results which would follow from the deletion of the proviso completely. There certainly are cases which would have to be provided for if we decided to get nearer the residence basis. Objection was made by the Party opposite to unduly favourable treatment of British companies operating in India because in their case residence and domicile were to be regarded as the same thing and residence was defined as the central control and management being in this country. I just want to make quite certain on what grounds the House is taking its decision. If it is taking its decision because it objects to the taxation of Indians, that is one thing. If it is taking this decision because it objects to discrimination between Europeans and Indians, that is another. Therefore, I ask the Leaders of all the four Parties whether they would be prepared to accept as a basis of taxation the virtual removal of the proviso to clause 4 (a) subject to safeguarding those rather ridiculous cases of residence of comparatively short duration in this country, plus amendment to clause 5 so as to ensure that companies registered in England and carrying on the major part of their business in India should be regarded as resident for the purpose of taxation. In other words that they should be placed entirely on the basis of Indian companies. In other words, I should like to know whether the House is prepared to consider amending this clause in the other direction so that it gets more money and not less and the objection to the continuation of the Bill which I voiced previously that it would not be financially worthwhile would be removed: the proviso to clause 4 (a) would be retainable only to an extent necessary to cover the rather ridiculous cases which I pointed out the other day of residence for a comparatively short duration in India or for a fixed term—not, of course, people who spend their whole lives in India and make their whole fortunes in India. That is what I should like to know. I have been blackguarding now for over six months in the Congress Press because I was discriminating in favour of Europeans. I now offer to all intents and purposes to consider once more the removal of the discrimination in all except completely ridiculous cases. In other words, I want to know from this House: is it the issue that they will not tax themselves or that they will not tax themselves unless we tax the Europeans at the same time? Sir, I am quite ready, if the Leaders of Parties desire to postpone the consideration of

this clause until this question is answered. But it is very necessary that I should get this question clear. I do not propose to allow the Opposition to ride out on the ground that they are rejecting this clause because it is discriminatory. If they are going to reject this clause, they will reject it on the basis that it taxes Indians whom they do not want to tax. That is the issue.

**Mr. M. A. Jinnah:** May I point out to the Honourable Member that I tried my very best to get from him an answer on the point of the discriminatory proviso? I think he will bear me out that he was unable to meet me and, therefore, naturally we could not consider anything more.

**Mr. Bhulabhai J. Desai:** Sir, so far as I am concerned, we actually applied for previous sanction for deleting this proviso, but that has been refused by the Governor General.

**Sir Cowasji Jehangir** (Bombay City : Non-Moslem Urban): Mr. President, up to the time my Honourable friend, the Finance Member, spoke, I had no intention of addressing the House. He has rightly summed up the objections to the clause. But in one matter I do not think he was quite correct. He said that if you object to the clause, leaving aside the provisos and the exemptions to non-domiciled people, you are refusing to tax your own people. He seems to have forgotten that there were many objections raised in this House to the fundamental basis of the accruing principle, and that the objections were enhanced to the whole clause by the proviso which puts non-domiciled people on a different footing, and by his introduction of clause 5 which makes a distinction in favour of certain companies and makes them non-resident. There was definitely an objection to the fundamental basis of the accruing principle as applied to India and that India being not in the same circumstances as England, you could not apply to India the arguments that would naturally apply to England. A great deal was made by the Honourable Member of a few people getting off this legitimate taxation. Now, let me tell the House very shortly what I believe to be the facts. The facts are that if you exclude all companies from the mischief of the principle of clause 4, there will be very few people left indeed who have got investments outside British India, and I do not put those investments down,—I openly say it in the House,—to more than four or five crores of rupees and the revenues that Government would get, by taxing these four or five crores of rupees through income-tax, would not be more than five lakhs of rupees. There are companies which have naturally investments abroad, which they are forced to have abroad; and firms which have investments abroad because they have business abroad. Excluding these, I believe, large investments abroad,—outside British India, are a bogey.

There is just one more point I should like to make. I do not wish to delay the House any further. A large amount of investments by companies or by a few individuals is in Indian Sterling paper today, and the condition of that paper would have been deplorable, if Indians had not come to the rescue of the Government to maintain the price of the sterling paper. It is already much lower than the value of the rupee paper. I maintain that it was the action taken by Indians which saved the sterling paper,

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and the reputation and the credit of the Government of India outside British India I have nothing further to add except that there are fundamental objections to the existing principle.

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural) : May I just ask one question which I do not clearly understand? I understood the Honourable the Finance Member to say that he is quite prepared to consider the question of removing the discrimination, and the Honourable the Leader of the Opposition said that he applied for the removal of the proviso and that the Governor General refused. Am I to understand that the position is that we can now move further amendment to remove this proviso?

**The Honourable Sir James Grigg:** The position is this: the House at the moment is on the motion to remove the discrimination in favour of Europeans by removing the clause altogether and it is thereby removing the main remunerative clause of the Bill, because there is very little extra money in the rest of the Bill which is mostly concessional and certainly those concessions cannot stand without clause 4, if there is no money to pay for them. If the House would on consideration prefer to remove the discrimination by extending the scope of the taxation, then I think the proper course is to postpone the discussion on this clause and to allow me to see how far the wishes of the Parties can be met. I make that offer for one reason. I think it is important that we should know on what ground the House is taking its decision. As I have said, for many months past, I have been blackguarded in the Congress-owned Press for introducing new discriminations on behalf of Europeans. I offer to consider and I put it in that form for obvious technical reasons the removal of that discrimination. If the House is not prepared to accept that offer it is clearly because the discrimination bogey was, as I have said on several occasions in this House, a bogey and nothing else, and that the real object of the Congress Party is to save the Indian millionaire and not to hit the European.

**Mr. M. S. Aney** (Berar: Non-Muhammadan) : May I know whether <sup>I.P.M.</sup> the Honourable Member means that in case the House accepts the principle of accrual, he is prepared to consider the question of discrimination? Or is he prepared to consider the question of accrual itself and its retention?

**The Honourable Sir James Grigg:** If the accrual basis goes obviously the discrimination goes, and it goes by destroying about three-quarters of the revenue in the Bill.

**Mr. M. A. Jinnah:** Sir, I think it is a pity that the Honourable the Finance Member is taking up the attitude that he has done. Surely, if he has any desire to save this clause 4 in a manner which will be acceptable to this House, then in the first instance I think it is very wrong of him to say that he was testing the *bona fides* of this House. In the second instance, I think it is equally wrong, if I may respectfully point out to him, to attribute any motives to any particular party and say that this party really had some other motive and were taking shelter behind the discrimination point. If he . . . .

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member is making a second speech. The Honourable Member is quite entitled to say whether he is agreeable to consider the question of postponement or not, but he cannot make a second speech.

**Mr. M. A. Jinnah:** I am therefore, submitting to the Finance Member that if he really and genuinely desires, - for up to the present moment he has given us no intimation at all, - to confer with us in the proper spirit, I do not see any objection at all, because I am really a believer in compromise or adjustment in the interests of Indians first, second and last. And, therefore, I do not want to treat the offer of the Finance Member in a manner which might incur rejection, and I am quite ready to discuss the matter with him.

**Mr. Bhulabhai J. Desai:** There is one other matter which my Honourable friend forgot and that is that even on the definition of "residence" I did my best to get several amendments tabled as to which also sanction has been refused.

**Mr. President** (The Honourable Sir Abdur Rahim): The position now is that an offer has been made by the Honourable the Finance Member that if the House agrees to postpone the consideration of this matter today, he will consider whether he would not be prepared to accept certain amendments in respect to the discriminatory clause. The Chair has to find out from the House generally whether they are agreeable to allow this discussion to stand over.

**Sir Cowasji Jehangir:** Then, what is going to be done?

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair does not know; that is for the Honourable Members themselves to consider.

**Mr. M. A. Jinnah.** I take it that if the House agrees upon that, the Finance Member will meet the Leaders of the Parties?

**The Honourable Sir James Grigg:** I shall endeavour to find a basis acceptable to the House as a whole. But I want to make one preliminary observation. I take it that as the House is willing to consider an attempt to find a basis of removing by another method than that of deleting the whole clause . . . .

**Mr. Bhulabhai J. Desai:** There are other difficulties also which I have pointed out.

**The Honourable Sir James Grigg:** Yes, some of those that have been mentioned can be removed; others cannot be removed without destroying the principle of the clause. And if it were possible to find a basis partly on the restriction of the scope of the clause in particular directions and its extension in other, which were acceptable to the House as a whole, that is the object we are looking for. But what I do not want to be involved in, quite frankly, is myself producing a sort of greatest common measure of the views of the various Parties, as I thought the original was, and

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then having it rejected by every Party I do want, therefore, to be clear that in agreeing to postponement as an alternative basis, there is at least a *prima facie* assumption that it will be possible to find an agreement.

**Mr. Bhulabhai J. Desai:** I wish to make my position quite clear on this. I am always willing, as my Honourable friend said, to sit down and discuss the whole thing *de novo*. But I want him to clearly understand that every one of the difficulties that I have put forward to the House will have to be considered and met, and if in doing so he feels that he is mangling the clause, then it is no use wasting time.

**The Honourable Sir James Grigg:** If the Honourable Member is presenting me with a choice that I must agree here and now to meet every one of his points, certainly I cannot.

**Mr. M. S. Aney:** I cannot give an undertaking to the Finance Member unless he allows me to argue with him even on the propriety of retaining the principle of accrual and urge my difficulties in regard to that.

**Mr. President** (The Honourable Sir Abdur Rahim): Then, does the Chair take it that in the circumstances the House does not desire the postponement of the discussion?

**Mr. M. A. Jinnah:** I submit, Sir, that an attempt should be made, without any party or anybody being committed to anything, and we should see whether we can get the Finance Member to understand our point of view.

**The Honourable Sir James Grigg:** I am quite content to leave it at that. As regards that last little gibe, I quite understand the point of view of the Honourable the Leader of the Muslim League Party.

**Mr. President** (The Honourable Sir Abdur Rahim): The Chair could again ask the House whether it is the desire to allow a further opportunity . . . .

(*Cries of "Yes" "Yes."*)

If that is so, the Chair is quite prepared to allow postponement of discussion on such an important clause. Does the House want to proceed with a discussion of the other clauses?

(*Cries of "No, Sir."*)

**Mr. Bhulabhai J. Desai:** We must finish the conference today.

**Mr. President** (The Honourable Sir Abdur Rahim). Then, the House will adjourn till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 30th November, 1938.



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